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Carlos R. Phillips II

May, 2011

THE DISPROPORTIONATE ENROLLMENT OF MINORITY STUDENTS IN
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS: THE PARENTS'
PERCEPTION

A Dissertation Presented to the
Faculty of the College of Education
University of Houston

In Partial Fulfillment
of the Requirements for the Degree

Doctor of Education

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DEDICATION

Through perseverance and commitment, this dissertation and doctoral degree is dedicated to my loving mother, Mrs. Alanda Y. Phillips. Thank you for

EVERYTHING!!!

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Abstract

According to education philosopher John Dewey, public schools give their students "an opportunity to escape from the limitations of the social group in which [they were] born, and to come into living contact with a broader environment . . . different races, differing religions, and unlike customs" (Frug, 1998). Public education was intended to give students a broad perspective to prepare them for living in a diverse, complex society; however, exclusionary discipline policies have been developed for students who disrupt the educational environment (Institute for the study of Student at Risk {ISSR}, 2001; Harvard Civil Rights Project, 2000; Kliener, Porch, & Farris, 2002; Texas Education Code, 37.008; Zweig, 2003). In 1994 the Gun-Free-School Act of 1994 required that each state receiving federal funds under the Elementary and Secondary Education of 1965 have a state law modeled with a zero tolerance for drugs, guns, and other weapons (GFSA). In 1995 Senate Bill 7 was adopted by the 73rd Texas Legislature as the Texas "Law and Order" school discipline policy (Joint Select Committee to Review the Central Education Agency, 1994). The Texas legislature developed a state policy requiring disciplinary alternative education programs (DAEP) for students who violated state and locally-mandated rules of conduct (Institute for the study of Student at Risk {ISSR}, 2001; Kliener, Porch, & Farris, 2002; *Texas Education Code*, 37.008; Zweig, 2003).

The purpose of the proposed study was to determine the effects of disciplinary alternative education programs on the educational experience of students who spend six months or more time in the DAEP as perceived by parents. The significance of this study

is that it will provide data on the affects of DAEPs on the educational experience of minority, low-income, and low performing students. The data will provide new knowledge of how to reduce the school-to-prison pipeline for African American males and other minority students. It will also provide new knowledge on various forms of alternatives that are available to replace zero-tolerance based discipline systems. The new knowledge from this study will increase the knowledge of the family and community life of students placed in DAEPs.

An exploratory, qualitative case study research design will be used to determine the affects of DAEP placement for elementary school students in a large urban school district. Qualitative research was used to, “study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them” (Denzin & Lincoln, 2000, p.3). The qualitative case study research design was used to explore the perceptions of parents or guardians of a sample of ten elementary students who were removed from their home campus and placed in a DAEP in 2006-2007. The overall purpose of the study was to understand how the parents of the students removed to the DAEP made sense of the school discipline policies (Merriam, 2002). “A good case study brings a phenomenon to life for the readers and helps them understand its meaning” (Gall, Borg, & Gall, 1996, p. 543). Qualitative research methods of surveys and the analysis of secondary student archival data, district documents and school documents will be used to collect data.

The experiences and previously developed relationships of the researcher as a former school teacher of the students at the DAEP served as a source of bias. Participants in this study may have altered their responses to interview questions to

present a favorable perspective of the DAEP experience, themselves or the school (Daniels, 1995). By using confidential interviews and triangulation of data, participant bias should have been minimized.

The findings of this study show parents' perceptions of a purposive sample of ten case students who spent six months or more of their school time in the past six (2010-2004) years in a DAEP. This findings discussed the following: 1. The perceptions of parents as analyzed by the parent survey including definitions and clarifications for each question and responses; 2. The demographic similarities among the DAEP families and parent expectations for students' education; 3. The student academic and discipline background using archival data and other documents; and the summary of findings.

The survey findings showed that while the sending school adhered to all federal (Gun Free School Zones, 1995), state (*Texas Education Code*, Chapter 37, 2009), and local (*District 2009-2010 Code of Student Conduct*, 2011) policies, parents perceived teachers and administrators did not understand their child's academic and behavioral needs. Teachers were not able to offer recommendations to parents for the correction of Level I misbehavior. Demographically the data show that 90 percent of the sample was low-income and only 20 percent lived in a traditional family. The test data and student retention data show that a majority of the sample were academically at-risk. A majority of the sample were identified for special education services. Thirty percent of the parents expected their children to go to college. The majority of the sample was returned to the DAEP from one to four times during the five-year period studied. Almost all the referrals to the DAEP were for discretionary removals (*TEC*, Chapter 37).

The following recommendations were made: 1. To change discipline policy on a federal level and to provide Title I funding for school districts to expand school district Level I, Level II, and Level III interventions before students are removed from the home school; 2. To expand Title I parental involvement training for grandparents raising school-age children; 3. To expand teacher preparation and development for classroom management for all teachers; and 4. To develop transitional services to students returning to the home campus.

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Chapter 1

Introduction and Overview of the Study

School behavior has historically been a challenging issue for schools. During the period of segregation, school behavior was handled by teachers who took the time to counsel and advise students on appropriate and inappropriate behaviors. Some describe scenarios whereas a student who misbehaved in school would easily be reprimanded by the school teacher without any recourse from the parent. The teacher would then notify the parent of the misbehavior that occurred and it was a high probability that the student would receive another form of corrective disciplinary action from the parent. After desegregation, the school and home relationship began to drastically change. With these changes came increasing forms of social, economical and community challenges that have adversely affected the role of parenting; they may also be the root causes of the construction to the “school-to-prison pipeline” (Skiba,1999).

School administrators and educators can easily agree that student discipline has a large effect on student achievement and classroom management. Students in high-poverty, high-minority schools are widely challenged with fewer resources, fewer qualified teachers, and fewer advanced-level courses than their more affluent white peers (Brennan, 2002). The lack of these valuable resources is not only consistent among many of our inner-city public schools, but they are also highly prevalent and consistent among many of the disciplinary alternative education programs (DAEPs) referral sites that are responsible for educating our students.

The common use of DAEPs in high poverty, minority communities leads many to assert that DAEPs are feeder schools to the school-to-prison pipeline (Harvard Civil

Rights Project [HCRP], 2000; Kaiser Foundation, 2005; Reyes, 2006; Schott Foundation, 2005; Skiba, 1999). In 1997, approximately 68 percent of state prison inmates had not completed high school (Washington, D.C. Sentencing Project [WSP], 1997). The research also shows that 75 percent of youth under the age 18 who have been sentenced to adult prisons have not passed the 10th grade. Even more disturbing, an estimated 70 percent of the juvenile justice populations suffer from learning disabilities and 33 percent have been identified with reading abilities below the fourth grade (Washington, D.C. Coalition for Juvenile Justice [WCJJ], 2001). With the current accountability system created by the *No Child Left Behind* legislation (2001), school administrators and school officials must be astute in addressing the insufficient improvements related to the operation and oversight of most DAEP operations.

Background of the Study

Student welfare and education are vital to the success and productivity of our country and keeping our schools safe and drug free lead to the inception of “zero tolerance” issues. The term “zero tolerance” was first recorded in the *Lexis-Nexis* national newspaper in 1983 when the Navy re-assigned 40 submarine crewmen in Norfolk, Virginia for suspected drug abuse (“Drug Probe Hits Submarine,” 1983). In late 1989, school districts in Orange County, California and Louisville, Kentucky promulgated zero tolerance policies calling for expulsion for drugs and gang-related activity (Skiba & Peterson, 1999). In New York, Superintendent Donald Batista of the Yonkers Public Schools proposed sweeping zero tolerance programs to take action against students who caused school disruption (Hearth, 1990). By 1993, zero tolerance policies were being adopted by school boards across the country, often broadened to

include not only drugs and weapons, but also smoking and school disruption (Skiba & Peterson, 1999).

In years prior to the 1990s, students who disrupted the educational environment were traditionally suspended or expelled for their inappropriate actions. Out-of-school suspensions and expulsions did not always provide a safe haven for students; this often resulted in the student losing valuable classroom instruction. Ultimately there was a decrease in academic achievement that often resulted in the student dropping out of school. Many students were left unsupervised by a responsible adult and they eventually became involved in various forms of negligent and criminal activity.

In 1995, under Senate Bill 7, the 73rd Texas Legislature created the Joint Select Committee to Review the Central Education Agency. This committee reviewed school programs that were designed for students who were identified as “at risk” of school failure, including students found to be disruptive to the education of other students (Joint Select Committee to Review the Central Education Agency, 1994). Committee recommendations for addressing the behaviors of “seriously and habitually disruptive students” included establishment of a statewide zero tolerance discipline policy that would provide schools and districts broader authority to remove students from regular education settings (Joint Select Committee to Review the Central Education Agency, 1994). .

Since the passage of the federal Gun Free School Act (GFSA) of 1995, alternative education programs were created for a more specific group of students: those who violated local or state-mandated rules of conduct or those determined to be disruptive to the education of other students in their assigned schools (Institute for the Study of

Student at Risk [ISSR], 2001; Kliener, Porch, & Farris, 2002; Zweig, 2003). The GFSA requires that each state receiving federal funds under the Elementary and Secondary Education Act must: (1) have in effect a state law requiring local education agencies to expel from school: (2) have in effect a state law allowing the chief administering officer of the local educational agency (LEA) to modify the expulsion requirement on a case-by-case basis; and (3) report information on such expulsions to the U. S. Department of Education on an annual basis (Lexis-Nexus, 2006).

In 1995, the state of Texas adopted the Texas Safe Schools Act. This act mandated that all public school districts in Texas were required to provide DAEPs. These campuses function as alternate placements for students who must be removed from their regular instructional settings due to disciplinary purposes. According to Chapter 37 of the Texas Education Code (TEC) school districts must meet the educational and behavioral needs of students assigned to DAEPs but program design and content were left to local discretion (TEC, 2005).

Statement of the Problem

The 1995 federal GFSA policy was designed to keep students and schools safe from random acts of violence. In Texas, Chapter 37 of the TEC gave schools the right to refer students to a DAEP rather than to continuously suspend students for chronic and persistent behavior infractions. Students who were frequently suspended lost valuable learning time and were often left unsupervised while serving their suspension; this allowed them to roam the streets during normal school hours. In a study of the Texas zero tolerance policy, the 2003-2004 data report that there were 1,675,746 discipline actions recorded, of which, 95 percent were for discretionary removals and five percent

were for mandatory removals (Reyes, 2006). Zero tolerance policies served to criminalize the behavior of 20 percent of the state's public school enrollment targeting a disproportionate number of minority students for the most severe violations (Reyes, 2006). Minority students are most severely affected by DAEP placements. In 2003-2004, 103,696 students were placed in a Texas DAEP, of which, 35 percent were African American students, 43 percent were Hispanic students, and only 29 percent were White students (Texas Education Agency [TEA] Comprehensive Annual Report, 2005). In 2005-2006, the DAEP enrollment consisted of 33,126 (26 percent) African American students, 61,537 (48 percent) Hispanic students, and 32,344 (25 percent) White students (Policy Research Report, 2007).

The review of state DAEP enrollment data shows that African Americans and Hispanic students are disproportionately removed from the regular classroom. In a study by Reyes (2007), the data shows that African American males are removed at rates ranging from 70 to 84 percent based on grade level. For example, African Americans make up 13 percent of the first grade but 39 percent of the first grade student removals. Strikingly, African American males made up 81 percent of those removals. Removing students from the classroom using Texas policy codified by Texas law criminalizes African American males at an early age. In November, 1999, the Reverend Jesse Jackson focused the nation's attention on the degree of fairness of discipline policies to all students when six black high school students were expelled for two years for brawling in the bleachers at a football game (Education Week, 2009). Yet, 10 years later, the Associated Press reported that in Illinois, more than half the children suspended from public schools are black, even though they represent less than one-fifth of the enrollment

(Education Week, 2009). Like suspensions, expulsions disproportionately impact African American students, causing concerns among education experts about the common trend and long term effects of these minority students missing hours of classroom instructional time and increasing the student dropout rate. The Illinois data show that Black and Latino suspensions jumped more than 150 percent and 44 percent for Whites in the Chicago Public Schools. In suburban areas, White suspensions fell while Black suspensions increased by 94 percent (Education Week, 2009). These data causes reasons for concern affecting the education of almost 50 percent of the U.S. student population (NCES, 2007-08).

Research Questions

The TEC, Chapter 37.008 mandates DAEPs be adopted by local district policy in elementary through high school grades for students who are removed from regular classes for mandatory or discretionary disciplinary reasons. The purpose of this study was to analyze the parents' perception of a purposive sample of 10 case students who spent 6 months or more of their school time in the past 6 years (2004-2010) in a DAEP. The research questions asked: 1) How did parents perceive the educational experiences of students who over a 6 year period (2004-2010) spent 6 or more months in the DAEP starting in elementary school? 2) How can the DAEPs meet the needs of the students to prepare them to be successful in the traditional school setting? 3) What are the expectations, demographic and other similarities among the DAEP students and their families?

Professional Significance of the Study

It is with great expectations that this research on the disproportionate enrollment of minority students in DAEPs will make an invaluable contribution to improve the effectiveness, quality, and overall student achievement for referred students. This study provided data on the affects of DAEPs on the educational experience of minority, low income, and low performing students. The data provided new knowledge of how to reduce the school-to-prison pipeline for minority students and provided new knowledge on possible alternatives to replace or improve current zero tolerance based discipline systems. The findings from this study increased the knowledge of the family and community life of students placed in DAEPs. With this reported background information, a more complete picture of the students' social conditions can improve school student management and discipline procedures for minority students while creating a supportive academic environment. Finally, this study makes recommendations for effective behavior intervention programs that can be used in traditional school settings prior to students being referred to a DAEP, interventions for students while attending the DAEP, and consistent re-enrollment in school based mentoring services/programs for former DAEP students when they return to the traditional school setting to reduce the DAEP recidivism rate.

Overview of Methodology

This study used exploratory, qualitative case study research methods mixed with simple statistics (Denzin & Lincoln, 2000; Tashakkori & Teddlie, 2003; Yin, 2003). The cases of 10 students who were placed in the DAEP for 6 months or more were explored (Yin, 2003). While much quantitative research has been conducted on who and how

many times students have been effected by DAEP placements (Coleman, 2002) Harvard Civil Rights Project [HCRP], 2000; Skiba, 1999; Schott, 2005; & Reyes, 2006) and some quantitative dissertations on whether the educational experiences of DAEP students are affected significantly different from non DAEP students (Coleman, 2002), there are no studies on the education experiences of students who spent six months or more in DAEPs as perceived by parents. This study provided a snapshot of the parents' perceptions of the students' academic experiences and family demographics. In addition, this study reviewed the academic and social development of students who were initially referred to an elementary DAEP and their current standing six years later.

The following research question was the driving force of the study: 1) How did parents perceive the educational experiences of students who over a 6 year period (2004-2010) spent 6 or more months in the DAEP starting in elementary school? The study attempted to define the consequences of negative school discipline experiences for minority students and found ways to reduce the escalation in negative discipline experiences for minority children. According to Yin (2003) "how" questions are more explanatory and likely to lead to the use of case studies, histories, and experiments as the preferred research strategies. "How" questions deal with the operational link needing to be traced over time rather than mere frequencies or incidences. Thus, if we want to know how to successfully overcome the negative impacts of school discipline experiences for minority students rather than rely on quantitative data, a case study would provide a more rich data source.

This study used a purposive sample of 10 participants drawn from a previously conducted quantitative study of 84 students placed in the elementary school DAEP for a

large urban district in the south (Phillips, 2006). Archival data from the previous study was used to provide the background and context for this study. A case study was developed for each of the participants' family using survey interview data, archival data and other school documents. In an effort to analyze the social, economic and family household status (family supervision, single parent, family size, parent education, and employment history), interviews were conducted with the student's parent/guardian. In an effort to triangulate the student archival data, survey interview data, and school documents were reviewed for each case study.

This study was conducted in a large urban district in the South. The data for this study were gathered from the school district's Elementary DAEP which serves twenty-seven elementary schools in its zoning jurisdiction. The sample urban school district has two centrally located elementary DAEPs to serve the district's north side and the south side of the district. Data in this study were gathered from eight elementary home schools that referred students to the selected elementary DAEP. At the time of the study, seventy five percent of the schools used in this study had a state education agency accountability rating of *Academically Acceptable* and twenty five percent earned a rating of *Recognized*.

The data for the home schools showed that the feeder home schools had enrollments ranging from 260 to 1100 students. At least eighty eight percent of the students from each home school used in this study received free and reduced lunch and forty five percent of the students from each school were identified as At-Risk. All schools in this study served a predominately minority student population with a one percent or fewer percentage of white students identified in each school. Female teachers

had the highest representation on each campus with one of the eight schools having an all female teaching staff.

Delimitations

The delimitations of this study will be the same as those cited for the case study research method. The lack of rigor of case studies was cited; however systemic procedures were followed, ten cases were used, and data triangulation was used to avoid biased views from influencing the direction of the findings and conclusions (Yin, 2003). A second delimitation was the common concern that the case studies provided little basis for scientific generalization (Yin, 2003). According to Yin (2003) case studies, like experiments, are generalizable to theoretical propositions and not to populations or the universe.

Definitions of Key Terms

1. Chapter 37 Discipline - Disruptive students or students not able to function in the structure of the regular school setting are to be removed from their regular classroom setting and placed in an alternative education setting based upon elaborate state and local discipline policies, rules, regulations, and procedures.
2. Code of Conduct - a set of rules outlining the responsibilities of or proper practices for a school or school district as defined in Chapter 37.001 of the *Texas Education Code*.
3. Discipline Alternative Education Program [DAEP] - The focus for a DAEP is an alternative education setting to enable students to perform at grade level (Texas Education Code (TEC), 37.008). The DAEP is also required to incorporate an approved curriculum which includes English language arts, mathematics, science, history, self-discipline, and counseling services. As an operating DAEP, the facility is mandated to conform to the four Public Education Academic Goals. These four goals state that the students will demonstrate exemplary performance in the reading and writing of the English language, also in the understanding of mathematics and science, and in the understanding of social studies (TEC, 37.008).
4. Disciplinary Infraction – The violation of a school or school district’s code of student conduct policies.
5. Discretionary Removal – Discretionary infractions are those infractions left to the discretion of district administrators and teachers to define as discretionary in the school district student code of conduct (TEC, 37.001). While the

district may develop their own category of mandatory infractions in the student code of conduct, the state policy may recognize these infractions as discretionary (TEC, 37.001). A student may be removed from the home school and placed into a DAEP when one or more of these off-campus felonies have been committed according to section 37.006(a):

- a. The superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct as defined a felony offense other than those defined in Title 5 of the Penal Code.
- b. The continued presence of the student in the regular classroom threatens the safety of other students or teachers will be detrimental to the educational process (TEC Annotate, 37.007).

6. Expulsion – The most severe student disciplinary action used when the student cannot be suspended into a DAEP; this involves denying a student an education for periods from ten days to one year.
7. In-School-Suspension – The lowest level and the least severe form of student removal from school which is usually located in the home school, allowing students to remain engaged in school, contact with their peers, and a teacher providing them with daily instructional assignments.
8. Juvenile Justice Alternative Education Program [JJAEP] – The 1995 Senate Bill 1 mandated that all counties with a population of 125,000 or more operate a JJAEP under the jurisdiction of the county juvenile board (37.011). JJAEP were exclusively mandated in urban areas for youth who are on probation or deferred prosecution (37.0011[1] [2]).

9. Mandatory Removal – Mandatory infractions for which a student must be removed from school include committing a felony or misdemeanor; committing an assault or making a terrorist threat; using, selling, providing, or possessing drugs; using, selling, providing or possessing alcohol, glue, or aerosol chemicals; public lewdness or indecent exposure; or committing a retaliation offense against any school employee (Texas Education Code Annotated, 37.006). Students must also be removed from school following off-campus cases such as when the student receives deferred prosecution for a felony, a court or jury finds that the student engaged in a felony, or the superintendent reasonably believes that a student has committed murder, manslaughter, or criminally negligent homicide (TEC 37.006).
10. Out-of-School Suspension - Action taken by an administrator that requires a student to be temporarily removed from the home campus for no more than three consecutive days. Acts of misconduct, for which an administrator may suspend the student, place the student into in-school suspension, or, if the administrator finds the misconduct to be *serious or persistent* as defined in this *Code*, may refer the student to a district-level DAEP. The principal or other appropriate administrator makes the disciplinary determination on the basis of the severity of the misconduct. The period of the suspension is limited to three days per occurrence and ten days per academic year.
11. Recidivism - a tendency to relapse into a previous condition or mode of behavior; *especially*: relapse into criminal behavior.

12. Referral – 1. Disciplinary documentation/report written by a campus stakeholder that reports the description of an infraction committed by a student that has violated school policy. 2. Recommendation made by the campus administrator to remove the student from the home campus for DAEP placement.
13. Suspension - Removal from the home campus generally for a period not to exceed ten days during an academic year, which also denies the student participation in the regular school or classroom activities.
14. Texas Assessment of Knowledge and Skills Test [TAKS] – State test designed to measure the extent to which a student has learned and is able to apply the defined knowledge and skills at each tested grade level which is directly aligned to the Texas Essential and Knowledge and Skills [TEKS].
15. Zero Tolerance “Law and Order” – Public school discipline policy that applies automatic, prescribed, mandatory sanctions for student discipline infractions with little or no consideration to the conditions, circumstances, intent, or understanding of the individual committing the offense.

Chapter 2

Literature Review

The TEC, Chapter 37.008 mandates DAEPs be adopted by local district policy in elementary through high school grades for students who are removed from regular classes for mandatory or discretionary disciplinary reasons and need to be placed in an alternative setting. The purpose of this study was to analyze a purposive sample of 10 case students who spent 6 months or more of their school time in the past 6 years in the DAEP. The literature reviewed for this study is categorized as follows: 1. National Research on the Zero Tolerance School Discipline Policies; 2. Research on Alternative Schools as a Model; 3. Research on State Policy and Local District Practice; 4. A Local Study; and 5. Research on Recommendations for the Future.

National Research on the Zero Tolerance School Discipline Policies

In 1990 following school shootings throughout the U.S. (Reyes, 2006), Congress enacted the *Crime Control Action of 1990 (Public Law 106-647, 18 U.S.C.)* and attached the *Gun Free School Zones Act (GFSZA) of 1990* outlawing drugs, guns and other weapons within a designated school zone. In 1995 after the U.S. Supreme Court declared the GFSZA of 1990 to be unconstitutional, the GFSZA of 1995 was passed. The law provided GFSZA funding to school districts in states that enacted their own version of the national legislation. Texas enacted Law and Order Legislation with provisions of the GFSZA of 1995. The federal law was extended by local districts that enacted punitive zero tolerance school discipline policies that in some states included provisions for alternative education programs.

The development of violence prevention and conflict resolution programs in

schools, mandating gun control laws and punitive and judicial forms of school discipline are the three major national crime prevention categories of zero tolerance. Zero tolerance policies were developed in response to the GFSZA of 1995; therefore, all policies that relate to guns or any other objects that can be used as a weapon were the core of this policy. By 2000, national zero tolerance policies created patterns of student removals from school for discipline infractions targeting minority youth with disproportionate removals of African American males (HCRP, 2000). According to the study conducted by the HCRP (2000), the school-to-prison pipeline has disproportionately targeted African American males causing them to drop out of school and enter the prison pipeline.

The last major area of the zero tolerance policy defines Class A, Class B, and Class C misdemeanors for school related infractions in which a student may be given a citation by a peace officer and then be required to appear in one of the three judicial jurisdictions (TEC 37.104, 2004).

Zero tolerance policies set equal expectations on an already unequal playing field by rejecting developmental needs of children, denying educational opportunities, contributing to the student dropout rate, producing poor achievement, and criminalizing student behavior (HCRP, 2000). In 2000, the National Association of Secondary School Principals [NASSP] stated that racial disproportionality in the application of zero tolerance policies is not an issue of discrimination or bias between ethnic or racial groups, but a socioeconomic issue.

According to Blumenson and Nilsen (2003), zero tolerance refers to the public school discipline policy that applies automatic, prescribed and mandatory sanctions for student discipline infractions with little or no consideration to the conditions,

circumstances, intent, or understanding of the individual committing the offense. Zero tolerance is the backbone of school discipline policies which are designed to increase student safety. Zero tolerance policies were first adopted by the public school systems located in Orange County, California, and Louisville, Kentucky (Verdugo, 2005). Donald Batista, superintendent of the Yonkers school system in New York, was the first to apply the zero tolerance policy in the public school system (Verdugo, 2005). The intentions of zero tolerance is needed and should be in place, however, the outcomes of the zero tolerance policy have caused a disproportionate disadvantage to minority students removal from public schools.

Research on Alternative Schools as a Model

Alternative education is an educational model that offers alternative learning experiences to those provided by conventional schools and historically available by choice to members of the community at no extra cost (Young, 1990). There are many definitions for alternative education. In general, alternative education activities fall outside of the traditional K-12 school system, including home schooling, General Education Development Diploma preparation programs, special programs for gifted children, and charter schools (Aron, 2006; Levin, 2005). Alternative programs served vulnerable youth who were not successful in the traditional school model. The U.S. Department of Education (USDOE) defines an alternative education school as “a public elementary/secondary school that addresses needs of students that typically cannot be met in the regular school, provides nontraditional education, serves as an adjunct to regular school, falls outside the categories of regular, special education or vocational education, and provides a comprehensive definition of alternative education by designating

alternative education programs as Type I, Type II and Type III” (U.S. Department of Education [USDOE], 2002, pp. 26-31).

The National Center of Educational Statistics (NCES), for the academic years 2000-2001, reported that there were 10,900 public alternative schools and programs serving 612,000 students in the United States (Kleiner et al., 2002). The original purpose of the alternative education program was designed to give at-risk students more individualized opportunities to meet their educational needs and requirements in order to prevent school failure (National Association of State Directors of Special Education, 1999).

Unfortunately, the programs have increased and are labeled as schools for “disruptive students” who have been referred from the traditional school setting. The number of alternative settings has increased so greatly that the types of alternative centers has expanded to include but is not limited to public alternative schools, charter schools for at-risk youth, programs within juvenile detention centers, community-based schools or programs operated by districts and alternative schools with evening and weekend formats (Foley & Pang, 2006). Some alternative education programs emphasize a disciplinary orientation and others focus on developing an innovative program that seeks to meet students’ unique educational needs (Lehr & Lange, 2003).

Suspension or optional removal to a DAEP.

In 2007, Rausch and Skiba conducted a study to investigate if removing certain children from the school environment in order to maintain a school climate conducive to learning increased student achievement. Rausch and Skiba (2007) reported the negative academic effects of the over usage of suspension, misguided recommended expulsions

and the inconsistencies with the disciplinary philosophy of zero tolerance. The student data showed that zero tolerance discipline policies were negatively related to academic achievement independent of socio-demographic influences (Rausch & Skiba, 2007). The exclusionary discipline policies do not contribute to improved learning outcomes (Rausch & Skiba, 2007).

Research shows that school suspension and expulsions produce negative school outcomes, such as lower achievement, dropouts, and racial disparities (Reyes, 2006). The analysis of data from the National High School and Beyond survey revealed that 31 percent of sophomores who dropped out of school had been suspended, as compared to a suspension rate of only 10 percent for their peers who had stayed in school (Ekstrom, Goertz, Pollack, & Rock, 1986).

Discipline emerged as part of a constellation of factors, along with poor academics and low socio-economic status (SES), predicting school dropout (Wehlage & Rutter, 1986). According to Wehlage and Rutter (1986), poor academics and low SES were also strong predictors of school dropout. A school's environment may present students with challenges or assistance in the development and maintenance of appropriate school behavior (Morrison, Anthony, Storino, Cheng, Furlong, & Morrison, 2001). Effective schools have clear and focused school missions, instructional leadership, a safe and orderly school environment, opportunities for learning and student academic engagement, frequent monitoring and feedback in regards to student performance and positive home-school relations (Purkey & Smith, 1983).

However, ineffective schools had a high incidence of school violence and disruptions that were associated with rules that were unclear or perceived as unfair or

inconsistently enforced. In the same manner, students did not believe in the rules, teachers and administrators did not know what the rules were or they disagreed on the proper responses to student misconduct. Other factors included the lack of cooperation between teachers, and little or poor student/teacher relationships with school administration which alluded to teachers having punitive attitudes or choosing to ignore certain forms of misconduct.

The NCES (2002) reported that the national suspension data show minority students were punished more often and more severely than majority student groups. In 2000-2001, 3,053,449 students were suspended in the United States (NCES, 2002). The national suspension data also showed that six percent of the U.S. public school population was suspended in 2000-2001 (NCES, 2002). Data also reported that nine percent of all boys and four percent of all girls were suspended for the same period. From the same data, it was noted that white students made up 61 percent of the total U.S. student population; they made up 15 percent of all suspensions. African Americans made up 17 percent of the U.S. student population and 35 percent of all suspensions. Hispanics made up 16 percent of the U.S. students population and 20 percent of all suspensions (NCES, 2002).

Texas data shows that the greatest disparities between whites and minorities exist in subjective and more severe discipline categories such as out of school suspensions and expulsions (Reyes, 2006). In 2000-2001, African Americans in Texas made up 14 percent of the total state student population, Hispanics made up 41 percent of the total state student population and whites made up 42 percent of the total state student population. In the more severe long-term and out of school suspensions, five percent of

the state membership was suspended from school. African American students made up 32 percent of the removals, Hispanics made up 44 percent and whites made up 24 percent of the out of school suspensions.

According to Henry Levin (Keller, 2007, May 17), Asian boys do better than Latino or African American boys on all educational measures. Latino boys show higher dropout rates than African American boys; the exact numbers depending on which of the many competing measures of dropouts are used. The consequences of dropping out are greater for black males in terms of the probability of being employed, annual earnings and crime. For example, only about half of black males who are high school dropouts are employed compared to about 70 percent of the other dropout groups (White, Latino, and Asian). As a consequence, African American male dropouts receive only about \$13,500 in average annual earnings compared to about \$22,000 for the other male dropout groups (Keller, 2007, May 17).

The Advancement Project (2010), in its report *Test, Punish and Push Out: How Zero Tolerance and High-Stakes Testing Funnel Youth into the School to Prison Pipeline*, shows that with high-stakes testing, zero tolerance has turned schools into hostile and alienating environments creating dropouts-in-waiting. In 2004, there were 3,279,745 students suspended and 106,222 expelled from elementary and secondary schools in the U.S. The data showed that while youth of color (African American, Latino, Asian, and Native American) comprised 42 percent of the U.S. student population in 2004, they comprised 58 percent of students suspended or expelled from school (Digest of Education Statistics; NCES, 2007-2008; U.S. DOE, 2007).

In order to serve students who commit severe disciplinary offenses, the 74th Texas

Legislature met during 1995 and enacted the Safe Schools Act, which led to the development of DAEPs and the Juvenile Justice Alternative Education Programs (JJAEPs). This policy was developed under the implementation of the Chapter 37 Law and Order policy for school discipline which created an educational partnership between the public school system and local/county juvenile crime agencies.

School administrators have the option of removing students based on the student's misconduct and its severity. Out of school suspension is limited to three days per occurrence and is authorized for certain types of misconduct. Additionally, the principal or other appropriate administrators may suspend a student for up to three days pending placement in a DAEP. When an administrator makes a decision to suspend a student, it is final and may not be appealed according to this one particular school district.

Discretionary removal.

Discretionary infractions are those infractions left to the discretion of district administrators and teachers to define in the school district student code of conduct (TEC, 37.001). While the district may develop their own category of mandatory infractions in the student code of conduct, the state policy may recognize these infractions as discretionary (TEC, 37.001).

According to the TEC, a student may be removed from the home school and placed into a DAEP when one or more of these off-campus felonies have been committed according to section 37.006(a):

1. The superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct as defined a felony offense other than those defined in Title 5 of the Penal Code.
2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process (TEC Annotated, 37.007).

Mandatory removal.

Mandatory infractions for which a student must be removed from school include committing a felony or misdemeanor; committing an assault or making a terrorist threat; using, selling, providing, or possessing drugs; using, selling, providing, or possessing alcohol, glue, or aerosol chemicals; public lewdness or indecent exposure; or committing a retaliation offense against any school employee (TEC Annotated, 37.006). Students must also be removed from school following off-campus cases such as when the student receives deferred prosecution for a felony, a court or jury finds that the student engaged in a felony, or the superintendent reasonably believes that a student has committed murder, manslaughter, or criminally negligent homicide (TEC 37.006). Mandatory removals are those that are outlined in the GFSZA (1995).

In 2003-2004, 103,696 students were placed in a DAEP. African American students made up 14 percent of the Texas K-12 enrollment and 23 percent of the DAEP enrollments. However, African Americans made up only 14 percent of the state's K-5 student enrollment in which they made up 35 percent of the DAEP enrollments (Reyes, 2006). White students made up 39 percent of the state's K-12 enrollment but only 29 percent of the DAEP enrollments. In Texas, over a five-year period, the number of expulsions increased by 23 percent and the number of out-of-school suspensions increased by 43 percent. In just one school year, 2007-08, there were over 128,000 referrals for students to alternative disciplinary schools (Advancement Project, 2010, p. 5). Frequent out-of-school suspensions correlates significantly with a host of negative outcomes, including students' poor academic achievement, grade retention(s), delinquency, student drop out, disaffection and alienation and drug use (Charlady &

Ziedenberg, 1999). African Americans were most severely affected by the DAEPs in the elementary grades where their enrollments in DAEPs were the highest (Reyes, 2006).

Research on State Policy and Local District Practice

Research on Texas policy and practice: chapter 37, district code of student conduct.

The TEC, Title 2: Public Education, Subtitle G. Safe Schools, Chapter 37. Discipline: Law and Order mandates Subchapter A. Alternative Settings for Behavior Management. The TEC Chapter 37.001(a) starts by mandating that every school district in the state prepare and have a student code of conduct that includes the following:

- (1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;
- (2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;
- (3) outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007;
- (4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to:
 - (A) self-defense;
 - (B) intent or lack of intent at the time the student engaged in the conduct;
 - (C) a student's disciplinary history; or
 - (D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;
- (5) provide guidelines for setting the length of a term of:
 - (A) a removal under Section 37.006; and
 - (B) an expulsion under Section 37.007;

- (6) address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;
- (7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and
- (8) provide, as appropriate for students at each grade level, methods, including 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.

(b) In this section:

(1) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.

(2) "Hit list" means a list of people targeted to be harmed, using:

- (A) a firearm, as defined by Section 46.01(3), Penal Code;
- (B) a knife, as defined by Section 46.01(7), Penal Code; or
- (C) any other object to be used with intent to cause bodily harm.

(b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.

(c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees.

(d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct.

(e) Except as provided by Section 37.007(e), this subchapter does not require the student code of conduct to specify

a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007.

Section 37.001 (a) provides an outline and all the requirements that the local district must include in the district student code of conduct. The focus for a DAEP is to enable students to perform at grade level (TEC, 37.008). According to the TEC, Sec. 37.008 each school district is required to provide a DAEP that:

Sec. 37.008 (a)

- (1) is provided in a setting other than a student's regular classroom;
- (2) is located on or off of a regular school campus;
- (3) provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;
- (4) focuses on English language arts, mathematics, science, history, and self-discipline;
- (5) provides for students' educational and behavioral needs;
- (6) provides supervision and counseling;
- (7) employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21; and
- (8) provides not less than the minimum amount of instructional time per day required by Section 25.082(a).

Section 37.008 (a) (4) requires the DAEP to incorporate an approved curriculum of English language arts, mathematics, science, history, and self-discipline; programs may include other courses but is not required. If a student needs a class in Spanish the DAEP is not required to provide it except as recommended in Section 37.008 (m). The school district may provide the student an opportunity to complete coursework through any method available, including a correspondence course, distance learning, or summer

school. The district may not charge the student for a course provided under this subsection. Section 37.008 (f) provides for the funding level of DAEPs at the same level as the home campus.

(f) A student removed to a disciplinary alternative education program is counted in computing the **average daily attendance of students in the district for** the student's time in actual attendance in the program.

The federal GFSZA of 1994 provided the foundation for the Texas Safe Schools Act of 1995 and Chapter 37 of the TEC: Chapter 37, gives local school districts the option to create, implement, and define local school district discipline policies or codes of student behavior. Class A, Class B, and Class C misdemeanors for school related infractions in which a student may be given a citation by a peace officer and then be required to appear in one of the three judicial jurisdictions (Reyes, 2006).

In a local Texas school district's *2009-2010 Code of Student Conduct*, it states that the purpose of the code is to inform all students and parents of this school district's expectations regarding behavior and conduct while maintaining a safe school environment. The district notifies all school constituents of the new changes to state policies that will be implemented in district policies. Included in the new policies are the provision on gang-free school zones, cyber bullying and sexting.

The district's student code of conduct categorizes the levels of misconduct as Level I to Level V. When a student commits a disciplinary infraction, the level of the misconduct is aligned with the student code of conduct and depending on the offense and its severity, will determine the level of offense. There is also a provision that a Level I infraction for repeated offenses can be increased up a level if the misconduct is consistent and persistent. For example, a Level I infraction of a classroom disruption can become a

Level II when the same or similar in nature form of offense is committed by the student. If this negative behavior continues on the same scale, the infraction may also be increased to a Level III or Level IV infraction.

The Texas policy for school discipline is outlined in TEC, Chapter 37, Law and Order. Table 2.1 shows the alignment between the Texas policy for school discipline in a local school district's Student Code of Conduct, and the local policy and practice of the Texas school discipline policy. Texas policy drives the local district policy. The policy defines discretionary and mandatory school discipline policies in Texas and in the local district. According to Texas data, in 2008-09 there were, 32, 953 mandatory removals from schools and 86, 1 56 discretionary removals (Texas Education Agency [TEA], PEIMS Data, 2008-09).

A Local Study

In a local study conducted by Phillips (2008), a quantitative data analysis was used to study an elementary DAEP located in a large urban school district in Texas. The files of 10 students who were enrolled in this alternative education program during the 2003 to 2006 school year were randomly selected for this study. Of the 10 participants, the grade level ranged from the second grade to the fifth grade. Each student selected was originally sent from their home school and enrolled in a regular general education classroom within the same school district. At the time of the study, some of the participants were referred for special education services but none of the students selected qualified to receive any special education services according to the previous evaluation diagnosis.

Simple statistics including percentages were collected for the following collected data sample: 1). Student discipline history; 2). Reason for student referral to the DAEP/Mandatory or Discretionary Removal; 3). Student academic history (retention/promotion, TAKS and Stanford 10 scores); and 4). Student socio-economic status (family size, house hold income, parent guardianship).

The DAEP used in this study opened in the fall semester of 2003. At the time of this study (2008), there were a total of 340 students served. The enrollment history recorded is as follows:

ENROLLMENT HISTORY

- 2003/2004 67 students
- 2004/2005 98 students
- 2005/2006 101 students
- 2006/2007 74 students
- 2007/2008 17 students

DEMOGRAPHICS for 2006 -2007

- 80 percent male
- 20 percent female
- Youngest student: 7 years old
- Oldest student: 13 years old
- Average student: 10 year old African - American male

During the 2007-08 school years, all students qualified for the district's free or reduced lunch program. The average number of members living in the household was five and the monthly average household income was \$1,800.00. Of the 17 students, six had repeated at least one grade level (2-5th grade) and 80 percent of all students referred were sent for a discretionary removal.

Research on Recommendations for the Future

In 2006, the American Psychological Association (APA) issued a report that showed that zero tolerance policies turned schools into inhospitable environments that did not promote school safety. The report opened the path for a movement seeking alternative methods to create safe school environments and to improve student behavior. The movement to change zero tolerance policies has been spurred by research that shows that zero tolerance policies do not make schools safer (APA, 2006), targets minority males (Reyes, 2006), increases dropouts (HCRP, 2000), and creates a school-to-prison pipeline (HCRP, 2000).

The future of zero tolerance in the United States is grounded in the recommendations for providing constructive interventions that focus on the student's academic success, the family and the community rather than the exclusionary policy that leads to dropping out of school and an unhealthy school atmosphere affecting students and teachers. The existing exclusionary policies target students of color and students with disabilities with a disproportionate effect on African American students (nearly three times as likely to be suspended and three point five times as likely to be expelled) and Latino students (one point five times as likely to be suspended and twice as likely to be expelled) (Duncan, 2010). Recommendations for the future must focus on the need to keep schools safe; however, according to the APA, exclusionary practices do not improve behavior rather increase academic failure (APA, 2007).

In Texas, the legislature amended Texas school discipline policies to require that school authorities consider mitigating circumstances in applying zero tolerance policies (Meritt, 2010). In Connecticut, student suspensions dropped from seven point one

percent in 2006-07 to five point four percent in 2008-09 after a change in state law which limited out-of-school suspensions. The drops occurred before the law was implemented (Meritt, 2010). The new law restricts out-of-school suspensions except in certain cases, such as when the student poses a danger to people or property, disrupts the educational process or has chronic disciplinary problems that have led to past suspensions. It was believed that discussions about the disadvantages for students who miss school made school personnel more aware and prompted school administrators to find other ways to discipline students and prevent inappropriate behavior (Meritt, 2010).

The discussions revealed that children in Connecticut lost more than 250,000 school days due to suspensions in the 2006-07 school years. Children in kindergarten, alone, lost 2,000 days the same year. Policymakers believed that the goal of the law was to correct students' behavior while keeping kids in school. Connecticut schools achieved impressive behavioral and academic results by adopting positive behavior support strategies designed to improve a school's climate and discipline by teaching behavioral expectations and using positive reinforcement (Meritt, 2010).

As indicated throughout this chapter, the use of zero tolerance policies has had a negative effect on student achievement and the student graduation rate since its inception. Applications of the zero tolerance policy have dramatically increased school suspension and expulsion in school districts throughout the country (Civil Rights Projects, 1999; Cummins, 1998; Seymour, 1999). Suspension is the most widely used disciplinary technique (Bowditch, 1993). Suspension also appears to be used with greater frequency in urban areas than in suburban or rural areas (Massachusetts Advocacy Center, 1986; Wu et al., 1982). Research shows that out of school suspensions and expulsions produce

negative school outcomes, such as lower achievement, dropouts, and racial disparities (Reyes, 2006). In order to increase academic achievement, reduce the disproportionate enrollment of minorities in DAEPs, and to increase the graduation rate, some school districts are practicing alternative methods to traditional zero tolerance practices. Positive Behavior Support (PBS), Collaborative Problem Solving (CPS), and Restorative Justice (RJ) are three forms of alternative practices to zero tolerance procedures that are currently used throughout school systems.

Positive behavior support (PBS).

PBS is an applied science that uses educational methods to expand an individual's behavior repertoire, and systems change methods to redesign an individual's living environment to achieve first, an enhanced quality of life and to minimize problem behavior (Carr & Horner, 1999; Koegel, Koegel, & Dunlap, 1996). PBS emerged from three major sources: (a) applied behavior analysis, (b) the normalization/inclusion movement, and (c) person-centered values.

The first step in implementing a PBS plan is to administer a Functional Behavioral Assessment (FBA). The FBA seeks to describe the behavior and environmental factors and setting events that predict the behavior in order to guide the development of effective support plans. In the FBA, the following objectives are identified: (a) a description of the problem behavior and its general setting of occurrence, (b) identification of events, times and situations that predict problem behavior, (c) identification of consequences that maintain behavior, (d) identification of the motivating function of behavior, and (e) collection of direct observational data.

The PBS process involves goal identification, information gathering, hypothesis

development, support plan design, implementation and monitoring. These approaches are designed to embed proven practices for early intervening services, including a range of systemic and individualized strategies to reinforce desired behaviors and eliminate reinforcement for problem behaviors, in order to achieve important social outcomes and increase student learning, while preventing problem behaviors. PBS intervention methods are widely used in schools to help identify student's behavior problems. Once identified, students receive services in one of the categories: primary, secondary or tertiary levels of intervention.

Collaborative problem solving (CPS).

The CPS approach is described as a cognitive – behavioral approach for working with aggressive children and adolescents, which was originated by Ross W. Greene, Ph.D., Associate Professor in the Department of Psychiatry at Harvard Medical School. Through the implementation of CPS, aggressive behavior is identified by an individual not having the cognitive ability to adjust to flexibility, frustration tolerance, and/or problem solving. Trained staff is able to identify and assess specific cognitive skills that may be contributing to challenging behavior and through strategic steps, teach patients new skills using the CPS approach in restrictive therapeutic settings (Greene, Ablon, & Goring, 2003).

There are three primary treatment goals of CPS (Greene, Ablon, & Martin, 2006). The first goal is to help patients identify the cognitive factors that may contribute to aggressive outbursts in children and adolescents, in the areas of emotion regulation, frustration tolerance, problem solving and adaptability skills. During the second goal, the intentions are to help the adults to become cognizant of the three common options for

handling problems or unmet expectations which include the imposition of adult will, collaborative problem solving and the removal of the expectation; in which the impact of each of these three strategies on adult-child interactions are identified. The third goal is to help adults and children become proficient at solving problems collaboratively to resolve potentially conflictual situations in a manner that reduces the likelihood of aggressive outbursts, and facilitates assessment of the cognitive factors underlying the child's difficulties and length of stay permitting teaching the child specific cognitive skills.

Restorative justice (RJ).

RJ is an approach to justice that focuses on dialogue and negotiations between individuals or groups that are in conflict with one another. It also seeks to involve all stakeholders and provide opportunities for those most affected by the crime to be directly involved in the process of responding to the harm caused. Restorative justice seeks to build partnerships to reestablish mutual responsibility for constructive responses to wrongdoing within communities and it seeks a balanced approach to the needs of the victim, wrongdoer and community through processes that preserve the safety and dignity of all (Suffolk University).

An underlying theme in restorative practices in restorative justice is that human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when people do things *with* them, rather than *to* them or *for* them. The overall goal of this ideology is to advocate restitution to the victim by the offender rather than retribution by the state against the offender. This ideology is the opposite of continuing and escalating the cycle of violence but rather restores

relationships and stops the violence (Hutchinson & Wray, 2003).

Through the design of RJ, the victims are empowered to effectively participate in dialogue or mediation with offenders. The victims take an active role in directing the exchange that takes place, as well as defining the responsibilities and obligations of offenders. The offenders are also encouraged to participate which allows them to understand the harm they have caused to the victim(s) and to take an active responsibility for the offense. This practice allows for efforts to be made by the offender in making amends for their violations, by committing to certain obligations that may come in the form of reparations, restitution, or community work.

PBS, CPS, and RJ provide three viable alternatives practices to zero tolerance that will increase academic achievement while potentially reducing student removals.

Chapter 3

Methodology

The TEC, Chapter 37.008 mandates DAEPs be adopted by local district policy in elementary through high school grades for students who are removed from regular classes for mandatory or discretionary disciplinary reasons. The purpose of this study was to explore the effects of DAEP placement for elementary school students as perceived by a cohort of parents in a large urban school district. Through this information, a more complete picture of the students' social development, community structure, student management and disciplinary procedures was the focus to increase the academic development for DAEP students.

The methods used to answer the research questions are detailed in this chapter. The chapter is arranged into four components that will follow the research design: (a) selection of participants; (b) materials/instrumentation; (c) data collection and analysis procedures; and (d) limitations of the study.

Research Design

In this study, an exploratory, qualitative case study research design mixed with simple statistics was used to determine the effects of DAEP placement for elementary school students in a large urban school district. Qualitative research was used to, “study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them” (Denzin & Lincoln, 2000, p. 3). The qualitative case study research design was used to explore the perceptions of parents or guardians of a sample of 10 elementary students who were removed from the home campus and placed in a DAEP for six months or more during a six-year period (2004-

2011) starting in the elementary school. The overall purpose of the study was to understand how the parents of students removed to a DAEP interpreted discipline policies (Merriam, 2002). Gall, Borg, & Gall (1996) stated that, “A good case study brings a phenomenon to life for the readers and helps them understand its meaning” (p. 543). The phenomenon of interest in this study is punitive discipline policies in a large urban school district. The case for this study was the role of the DAEP in a large urban school district, with a focus on the study of the effects of DAEPs on behavioral changes of students as perceived by parents or guardians in a large urban district. The unit of analysis was the students’ placed in DAEPs. Qualitative research methods of questionnaires, interviews, secondary student archival data, district documents and school documents were also used.

DAEPs were created in order to serve students who commit severe disciplinary offenses; the 74th Texas Legislature met during 1995 and enacted the Safe Schools Act, which led to the development of DAEPs and JJAEPs (TEC, Chapter 37, 2009). For the purpose of this study, the school district selected enforced disciplinary guidelines based upon the Code of Student Conduct and the various levels of infractions ranging from a Level I offense to a Level V offense (see Table 4.1.1.). The *Code of Student Conduct* lists Level III misconduct for suspension and/or optional removal to a DAEP for “Offenses that seriously disrupt the educational process in the classroom, in the school, and/or at school-related activities, or repeated instances of Level I, II, or III misconduct” (p.8). A finding that a student has engaged in a Level III offense constitutes a serious offense. While Level III offenses provide optional placement in the DAEP, Level IV offenses are mandatory removals to the DAEP. This may include any felony, whether school-related or not, unless it is one for which expulsion is required. A finding that a

student has engaged in an offense listed under Level IV constitutes a finding that the student has engaged in serious misbehavior. For a listing of the Level III and Level IV offenses see Table 4.1.1.

On May 21, 2010, the Board of Trustees updated its plans to provide DAEPs for students who violate the district's *Code of Student Conduct*. The district proposed to provide two DAEPs for elementary-school students at two locations. They would not provide a program for secondary students at this time.

The school district will use a three-tier delivery services model. Tier one is grounded in a behavior intervention and strategy plan created between home school and the DAEP based in the home school environment. Tier two is an intensive behavior intervention plan using 15 days in the DAEP environment. Tier three is designed for mandatory DAEP placements for 30 to 45 days for Level IV offenses.

Selection of Participants

Participants for this study were selected using purposive sampling (Denzin & Lincoln, 1994; Patton, 1990). Qualitative research methods focus on relatively small samples that provide information rich cases for study in depth (Patton, 1990). The purposive sampling process seeks a great deal about issues of central importance in the research or to focus in depth on understanding the needs, interests, and incentives of a small number of carefully selected samples (Patton, 1990).

In this study the parents of 10 randomly selected former DAEP students who were enrolled in an identified elementary DAEP for at least 6 months or more participated in this study. Parent and guardian contact data was retrieved from student records. All parents/guardians that participated in this study responded to questions that were related

to their male child who was formerly enrolled in the DAEP during the 2003 – 2008 school years.

Materials/Instrumentation

The survey was administered by the principal investigator in a local school located in a large urban city in the southern region of the U.S. Participants in the study, who were unable to participate at the designated location, were able to request to participate by telephone. The principal investigator read each question to the participant and recorded notes from the parents' responses, elaborations, or concerns. Each participant was given identical questions.

The design of the survey questions ranged from the parents' knowledge of the type of services that were provided to their child before the child was referred to a DAEP to the type of services that were provided to their child once they returned from the DAEP. In its entirety, the survey instrument included 40 items. Of the 40 items, 30 questions pertained to the type of services provided to the child before their initial placement or while enrolled in the DAEP. The final 10 questions related to family demographics. The survey had five questions designed for open-ended responses which allowed parents to (1) discuss their views on the DAEP experience(s); (2 & 3) provide examples of concepts/practices that were and were not used in the DAEP that could have been more meaningful to the student and parent; (4) describe the role of parents in student discipline; and (5) answer if the DAEP positively changed their child's behavior?

Data Collection and Analysis Procedures

Data for this study was collected from the primary evaluation study conducted for an administrative campus review of elementary DAEP programs as part of an

administrative study for a local elementary alternative school (Phillips, 2008). In the proceeding study, the results showed that the majority of the participants were male, came from low-income families, 40 percent were retained at least once, 30 percent were special education, and students had generally low academic achievement (Phillips, 2008). The age of the elementary DAEP participants were 7 to 13 years of age with an average age being 10 years (Phillips, 2008).

The current study analyzed a purposive sample of the parents' perception of 10 students enrolled in the same elementary DAEP. Parents reflected on how the DAEP initially affected their child's behavior development as it related to their current academic experiences.

Data was collected from the original campus evaluation on DAEP placements (Phillips, 2008). Semi-structured participant interviews and documentation reviews were conducted. The three different sets of data provided a triangulation of participants that were selected from the list of parents/guardians who participated in the study. The names of parents/guardians were obtained from student records. The names of the participants will be kept in the researcher's field notes.

The research method used for collecting the data for this study was semi-structured, open-ended interviews of 10 participant parents/guardians. The exact wording and sequence of questions was determined in advance (Charmez, 2002; Kvale, 1990; Patton, 1990). All the participants were asked the same basic questions in the same order using an open-ended format. The goal was to obtain the observations and experiences of parents and their interpretations of how the students were affected by DAEP placements (Kvale, 1996). Parents were individually interviewed for a minimum of 25 minute

sessions in a public school building or by telephone. Interviews responses and mannerisms were transcribed by the principal investigator. Each participant was given a pseudonym in order to maintain confidentiality and security of the documents will be stored at the university of record.

Ten parent/guardian participants of DAEP student placements were interviewed with the interview questions focusing on how students who spent 6 months or more time in the DAEP were affected by this educational experience (see Appendix E). After each interview a Contact Summary Form was completed. The purpose of the form was to record the main concepts, themes, issues, and environmental characteristics experienced during the interview process (Miles & Huberman, 1994). The Contact Summary Form was filled out after the interview in the same location. The Contact Summary Form and the transcriptions were used to develop the context from which the themes evolved (Lincoln, 2000).

Initial coding was used to discover participants' views on the role of parents or guardians in student discipline (Charmaz, 2002). Selective or focused coding was then conducted to synthesize frequently reappearing initial codes (Charmaz, 2002). A more global view of this coding was described by Kvale (1996) as "meaning condensation" in which natural units and central themes are discovered through the coding process. Under these methods, "The researcher attempts to capture data on the perceptions of local actors 'from the inside,' through a process of deep attentiveness, of empathetic understanding, and of suspending or 'bracketing' preconceptions about the topics under discussion" (Miles & Huberman, 1994, p. 6). A rich description of the perspectives, beliefs, and themes was developed to further understand the role of the parents or guardians in student

discipline. A card system was used to organize key themes and relationships revealed by the data.

Lincoln and Guba (1982) stated that a qualitative research study must have findings that are trustworthy. Issues of internal validity, reliability, and external validity or generalizability determine the trustworthiness of a study (Lincoln & Guba, 1982). Triangulation, member checks, and peer review were used to help improve the trustworthiness of the data. Student archival data, parent survey interview data, district document reviews and the campus DAEP study were used to reduce researcher bias.

Limitations of the Study

The experiences and previously developed relationships of the researcher as a former school teacher of the students at the DAEP served as a source of bias. Participants in this study may have altered their responses to interview questions to present a favorable perspective of the DAEP experience, themselves or the school (Daniels, 1995). By using confidential interviews and triangulation of data, participant bias was minimized.

In addition, data obtained from this research study could not be generalized adequately to a larger population due to the fact that the interview participants were purposively chosen and were selected from one school in one large, urban elementary school in the South. Finally, data collected at one specific point in time only applied to that specific environment for the specified period; however, results can be used to conduct future research on a larger scale.

Chapter 4

Findings

Zero tolerance is a form of scapegoating in which public anger and frustration can be redirected “from failed leadership to the dysfunctional lifestyle ‘choices’ of our already most victimized citizens.” (Suarez, 2010)

The intent of this study was to determine the effects of DAEPs on the educational experiences of students who spent 6 months or more in the DAEP. The purpose of the study was to analyze parents’ perceptions of a purposive sample of 10 case students who spent 6 months or more of their school time in the past six (2004-2010) years in a DAEP. The research questions asked: 1) How do parents perceive the educational experiences of students who over a 6 year period (2004-2010) spent 6 or more months in the DAEP starting in elementary school? 2) How can the DAEPs meet the needs of the students to prepare them to be successful in the traditional school setting? and 3) What are the expectations, demographic and other similarities among the DAEP students and families?

This chapter will review the findings from survey interviews conducted with the parents of 10 students who were placed in the DAEP for 6 months or more during a 6 year period (2004-2010) starting in elementary school, family demographic data gathered during the parent survey interview, archival data gathered from school documents, and profiles for each student case. This section is divided into the following four subsections: 1. The perceptions of parents as analyzed by the parent survey including definitions and clarifications for each question and responses; 2. The expectations, demographic and other similarities among the DAEP families; 3. Student academic and discipline background using archival data and other documents; and 4. Summary of findings.

Section One: The Survey: Perceptions of Parents

The purpose of this study was to survey the parents of a purposive sample of 10 students who spent 6 months or more in a DAEP starting in elementary school. How do the parents perceive the educational experiences of their children in the DAEP? How do parents of DAEP students make sense of school discipline policies and the affects of DAEP on student achievement and behavior?

Student discipline policies in the research district are guided by the Federal Gun-Free Schools Act of 1995 that requires that “each state receiving federal funds under this Act shall have in effect a state law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that state...” (Gun-Free School Zones Act of 1995, P.L. 104-208). Senate Bill 7 was adopted in 1995 by the 73rd Texas Legislature as the *Texas Education Code*, Chapter 37, “Law and Order,” Section 37.001 requires that every school district have a student code conduct (*Texas Education Code*, Title 2: Public Education, Subtitle G. Safe Schools, Chapter 37: Discipline: Law and Order, 2009). The research district provides a student code of conduct that defines student discipline infractions by level, by kinds of interventions, by referral procedures to the DAEP, and by court involvement (2009-2010 Code of Student Conduct, 2010, District).

The Texas DAEP was created in 1995 by the 74th Texas Legislature requiring school districts to set up disciplinary alternative education programs to serve students who commit disciplinary or criminal offenses identified by the TEC Chapter 37 (TEA, Texas Comprehensive Annual Report on Texas Public Schools, 2010). Texas law

specifies that the academic mission of the DAEP is to enable students to perform on grade level, meeting the educational and behavioral needs of students, using a curriculum on English language arts, mathematics, science, history, and self-discipline (TEA, 2010).

In order to understand how the parents of students placed in the DAEP perceive the educational experience that their children received, a survey was developed using DAEP program policies and concepts. The parent survey was designed with five open-ended questions which allowed parents to discuss their views on the DAEP educational experience, their role as a parent in their child's discipline behavior as a DAEP placement, and DAEP experiences that positively affected student behavior. Each subject was given a pseudonym of "subject" and the identifying number "001 – 010" (see Table 4.2).

Services received prior to DAEP referral.

Question one of the parent survey had nine sub-questions that asked the parents about the types of interventions or family support services that were offered to parents before the student was referred to the DAEP. According to the district policies, students who consistently misbehave should be provided with several behavior intervention strategies that are designed to replace the undesirable behaviors with more desirable ones through positive or negative reinforcement (see Table 4.1) (District 2009-2010 Code of Student Conduct, 2011).

A total of 10 parents responded to the nine sub-questions of question number one of the instrument survey which asked the parents, *"To your knowledge, which of the following services were provided to your child at their home school before the initial referral to the DAEP?"*

Sub-question 1A asked: *My child's teacher provided several interventions to help with my child's behavior problems before the referral to the DAEP?* According to the District Code of Student Conduct (2010), *teachers establish classroom-management procedures that concentrate on good student conduct and support school and district policies and procedures* (p. 4). The code defines the lowest level of student behavior as Level I, violations of classroom rules that can be corrected by the teacher (p.7). Level II misbehavior requires administrative intervention or offenses that are more serious in nature and a continuation of Level I misbehavior. Of the 10 parents, two stated that their child's teacher provided interventions to help improve the disruptive or inappropriate behavior before a referral was made to attend a DAEP. One parent reported that in an intervention recommendation, one teacher recommended that the student be placed in another teacher's classroom. A nother teacher recommended that the parent take the student to a physician for some student behavior drugs. Another parent stated that they were allowed to have frequent unannounced classroom visits to monitor and follow-up on the students' progress or regression in behavior. Eight parents responded that they did not receive any types of interventions from the teachers, which is required by district policy. In attacking the school system for not providing any pre-DAEP interventions, parent six expressed her frustrations as a parent who believed that reinstatement of corporal punishment would fix the problem. *"The school system needs to enforce the use of corporal punishment back in the schools to help control out of control students like my son"*.

Sub-question 1B asked: *My child's teacher provided information on parent organizations, community agencies, or trainings related to the needs of my child.* While

there are several community organizations, agencies, or parent-related services available to the school district including neighborhood churches, 100 percent of the parents confirmed that they were provided with no external services to help to better manage their student behavior. All of the parents responded by stating that they were not offered any forms of recommendations or suggestions for professional assistance outside of the school setting by their child's home school counselor. One parent responded that on her own she received services for her child from her church. Another parent responded that through her public health provider she was referred to Mental Health and Mental Retardation Authority (MHMRA) for adolescent services. When asked if the administrator provided outside agency recommendations on sub-question 1E (*My child's school administrator provided information on parent organizations, community agencies, or trainings related to the needs of my child.*), all the parents answered "no". When asked if the school administrator provided a list of outside agencies in sub-question 1E (*My child's school administrator provided information on parent organizations, community agencies, or trainings related to the needs of my child.*), all the parents responded "no". While the school district does not require that teachers and administrators refer parents to community services for additional counseling or other support services, the research recommends outside student and family services (U.S. Department of Education & American Educational Research Association, 1995).

Sub-question 1F (*Teachers and administrators understood my child's academic needs.*)

and 1G (*Teachers and administrators understood my child's behavior problems*) shifted to see if the parents perceived that the teachers and/or administrators understood the

child's academic/literacy needs that may possibly be related to behavior problems or the possible causes for the child to be consistently disruptive by asking the following questions: Sub-question 1F: *Teachers and administrators understood my child's academic needs.* Sub-question 1G: *Teachers and administrators understood my child's behavior problems.* The responses to both questions indicated that only one parent believed that the home school teacher and administrator understood the student's academic needs and the student's behavior problems. Parent five expressed her own frustrations as a parent *"when my child misbehaves I try talking with him about his behavior. I punish him and even spank him to no avail. I think that his father should be in his life because my child has a problem respecting females (mainly women teachers)"*.

DAEP referrals

According to the district Student Code of Conduct policy of the school, before a child can be referred for alternative placement at Level III (District 2009-2010 Code of Student Conduct, 2011), a parent conference should initially begin with the teacher notifying the parent(s) that serious patterns of classroom disruptions or inappropriate behavior(s) are being exhibited by the student. The teacher must tell the parent that he/she is referring the student for DAEP placement for what the district policy states as "serious and persistent misbehavior"; otherwise the student can only be removed from the home campus using the Level IV criminal behavior policy. The "persistent misbehavior" clause in district discipline policies acts as a loophole to remove non-violent students from school, so long as teachers follow the district discipline policies by notifying parents. The demographic data in this study illustrated that 90 percent of the removals were based on the policy for Level III "serious and persistent" misbehavior. In the same

manner, school administrators made the recommendation to refer the student for alternative placement (District 2009-2010 Code of Student Conduct, 2011). A parent conference must then be conducted and the parent will have the opportunity to agree with the recommendation or appeal the recommendation. DAEP referrals are commonly supported by teacher documentation of interventions used by the teacher, documentation of parent notifications or conferences held and in some cases, student records for being referred to the judicial system for school related offenses (see Table 4.1) (District 2009-2010 Code of Student Conduct, 2011).

Sub-question 1C asked: *My child's teacher met with me to discuss my child's behavioral problems before referring my child to the DAEP*, and sub-question 1D asked: *The school administrator met with me before referring my child to the DAEP*. In response to question 1C, 80 percent of the parents confirmed that the classroom teacher met with them before referring the student to the DAEP. When asked if the school administrator met with the parents, 90 percent responded "yes". According to Irvine (1990), discipline policies in practice most often work against African American children. While the majority of the teachers and the principals had the option to recommend discipline interventions to keep a student on campus, they chose the more punitive choice to remove the student from the home campus using the "persistent misbehavior" clause. They followed all the district code of student conduct policies at the minimum level. According to Taylor and Foster (1986), despite the altruistic rationale for public policies, some research has shown that policy can also be self-serving. Much of the public policy has become the new mechanism for suppressing racial minorities (p. 499).

In response to sub-question 1I: *My child was referred to the judiciary system (ex. court, jail, or probation officer) before he was referred to the DAEP*, 80 percent responded “no”. Two parents responded that their elementary student in the sample was assigned to a probationary officer before they reached the age of 12 years.

The final question for the first section was sub-question 1H: *Sending my child to the DAEP was a fair decision*. Only three parents stated that they disagreed with the referral for their child to attend the DAEP. One mother responded, *“In the beginning I was not in agreement with the decision and I even appealed the decision to the school district”*. The father stated, *“I was in favor of the school’s decision from the beginning, despite my wife being strongly against sending my son to the alternative school. I believed that it was important for our son to learn a valuable lesson of accepting consequences for inappropriate actions and poor decision”*. While the father wanted his son to understand the consequences of his behavior, he did not like that the student would be removed from the home campus. The father wanted the child *“to learn from his mistakes at an early age rather than learning from it at an older age behind bars”*.

Another parent was relieved when her grandson was sent to the DAEP. She stated:

The daily phone calls on my job began to become a problem. School administrators (from the home school) would request that I immediately come to pick up my grandson from school. It was not uncommon to be told that he used profanity towards school personnel or he became so angry that the teachers and administrators appeared to be scared of him.

DAEP educational services provided.

The state of Texas requires that all DAEPs must provide a minimum curriculum which incorporates English language arts, mathematics, science, history, and self-discipline while providing for behavioral and counseling needs (Reyes, 2006).

According to Chapter 37.008 (a) each district must have a DAEP that:

- (1) Is provided in a setting other than a student's regular classroom;
- (2) Is located on or off of a regular school campus;
- (3) Provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;
- (4) Focuses on English language arts, mathematics, science, history, and self-discipline;
- (5) Provides for students' educational and behavioral needs;
- (6) Provides supervision and counseling;
- (7) Employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21; and
- (8) Provides not less than the minimum amount of instructional time per day required by Section 25.082(a).

The design of question two focused on understanding the influence of the educational services that were provided to the students while attending the DAEP.

There were five sub-questions that were related to question two which asked the parents, to *“Please check the following statements that apply to the education services your child received while enrolled in the DAEP”*. Sub-question 2A asked: *My child was not academically challenged at the DAEP*. Six out of the 10 parents responded by stating that they believed their child’s academic achievement did not improve while attending the DAEP.

When asked questions about the DAEP curriculum, 100 percent responded “no” to 2G (The DAEP offered gym/PE), 2H (the DAEP offered art.) and 2I (The DAEP offered music). The DAEP does not require that these extra-curricular classes be offered.

One parent stated *“I hated for him to be removed from his school which caused him to miss out on the fun activities that children encounter but this was needed in order to reinforce a lesson on behavior”*.

DAEPs are required to provide counseling services and behavioral programs that incorporate a variety of strategies to improve student behavior or social skills. Question 3 asked the parents to: *Please check the following statements that apply to the services that your child received while enrolled in the DAEP*. There were four sub-questions supporting question three which began with sub-question 3A: *My child received one-on-one tutoring while enrolled in the DAEP*. The DAEP offered tutoring in accordance with Section 1116(e) of NCLB which specifies aspects of student educational services (SES) be provided for tutoring services from for-profit groups; however only two parents sought out the additional services for their child through an outside source during their child's DAEP placement.

Sub-question 3B inquired about the types of counseling services and behavioral strategies taught within the DAEP system by asking: *My child learned positive behavior strategies/counseling services while enrolled in the DAEP*. Seven out of 10 parents stated that their child learned positive behavior strategies through the counseling services provided. In addition to the counseling services provided through the DAEP, sub-question 3C asked: *My child received services from an outside counseling group while in the DAEP*. The response to this question identified five parents who enrolled their child in supplementary forms of counseling or mentoring programs through an outside agency such as a church, community program or government assistance program. When asked sub-question 3D: *My child's home school counselor followed up with the students while*

enrolled in the DAEP, all parents attested that their child's home school counselor did not follow up with a phone call or DAEP site visit to inquire about the student's progress or regression while enrolled in the DAEP.

The design of the next questions identified the types of services that may have been extended to the parents through the DAEP as a form of intervention or support service which could benefit both the parent and the student. Question four asked the parents to: *Please check the following statements that apply: While my child was enrolled in the DAEP, as a parent, I received the following services.* All parents responded "yes" to sub-question 4A which asked: *As a parent, I was periodically invited to observe or visit the school at anytime while the child was enrolled in the DAEP.* Sub-question 4B asked the parents: *As a parent, I was invited to meetings with other parents to discuss how to help improve my child's behavior and/or grades or parenting concerns.* Each parent responded with "no" when asked if any meetings were conducted at the DAEP with other parents of students who were enrolled in the DAEP to collaboratively discuss ways to improve the child's grades, behavior or parenting concerns. Nine parents responded, "yes" to sub-question 4C: *A DAEP counselor periodically contacted me to provide advice on how to help change my child's behavior and/or how to improve my child's academic achievement.* Ninety percent of the parents responded that the DAEP periodically contacted them to provide advice on strategies and techniques for implementing changes or improvements in their child's behavior and/or academic deficits to support the techniques that were being taught in the DAEP.

Based on parental perceptions, the DAEP provided services to the students and the parents that the home school did not provide. Parents were more positive about the

services of the DAEP than they were about the services of the home school. Parental perceptions indicated that while the parents did not perceive any academic affects on their children, the majority of the parents believed that the DAEP invited them to visit the school. The school counselor contacted parents to advise them on how to change their sons' behavior. One parent said,

I absolutely believe that he was challenged at the DAEP because the teacher informed me about his work on a daily basis. I had to sign homework and conduct sheets every night or before I dropped him off at school. He was constantly trying to get rewarded by the teacher! Before being sent to the DAEP, my son sometimes thought that his home school teacher cared about him but not like at the alternative school"

At his home school the student, he felt that he was labeled "*because he had so many fights and his attitude was bad*". The teacher at the alternative school made him "*feel like he was smarter than the other kids in his class because the teacher would select him to be the line leader or run errands for her. His former teacher never gave him that type of opportunity*".

Parents' perception on child's attitude toward the referring school & DAEP effectiveness.

Question five assessed parental perceptions on the students' attitude toward their home school before being sent to the DAEP. The question used a Likert scale for responses: 1) Strongly Agree, 2) Unsure, 3) Sometimes, 4) Strongly Disagree. Question 5 asked: *How much do you agree or disagree about your child's attitude toward school and the consequences they received for their actions.* The total responses to sub-question

5A which stated: *Before being sent to the DAEP, my child felt that their teacher cared about him/her*, indicated that, one parent was *unsure*, three parents responded with *sometimes* and six parents stated that they *strongly disagreed* with the statement. In response to sub-question 5B (*My child enjoyed going to their home school daily.*), three responded with *sometimes*, another set of three parents responded by stating that they *strongly disagreed* with the statement, one parent replied that they were *unsure* of how the child felt about school and the last three parents *strongly agreed* with the statement. In the final sub-question 5C (*My child's teacher was very concerned and helpful with the academic development of my child.*), one parent responded with *sometimes*, five parents answered *strongly disagree*, one parent replied with *strongly agree*, and three parents stated that they were *unsure*. In summary, the majority of parents perceived that the home school teachers did not care, were not concerned, nor helpful with the students' academic development. Interestingly, parents generally agreed that neither the home school nor the DAEP improved student academic skills.

Question six asked parents about the quality of DAEP services. It asked "*How much do you agree with the following statements about the effectiveness of the DAEP program*". The following Likert scale was used: 1= Strongly Agree, 2= Unsure, 3= Sometimes, 4= Strongly Disagree. There were a total of six sub-questions in this category with the sub-question 6A: *While attending the DAEP, my child believed the teachers cared about him/her*. In response to the preceding question, seven parents responded by saying that they *strongly agree*, two parents indicated *sometimes*, and one parent was *unsure*. Sub-question 6B asked the parents: *While attending the DAEP, my child made a positive change in their academic achievement*. Five parents responding by saying that

they *strongly agree*, one parent was *unsure*, two parents *strongly disagreed*, and the final two parents indicated *sometimes* to the question. Sub-question 6C asked: *While attending the DAEP, my child received counseling services that really helped.* Five parents *strongly agreed*, two were *unsure*, one parent *strongly disagreed*, and the remaining two parents chose *sometimes*. Sub-question 6D asked: *The teachers at the DAEP always informed me of my child's progress or regression.* Nine parents stated that they *strongly agreed* and one parent indicated that they *strongly disagreed*. Sub-question 6E asked: *Getting in contact with my child's teacher(s) at the DAEP was easy.* All ten parents replied by saying they *strongly agreed*. Lastly, sub-question 6F asked: *Getting in contact with the administrators at the DAEP was easy.* Again, all the parents *strongly agreed* with this statement.

In summary, 50 percent or more of the parents perceived that the services provided by the DAEP were better than the services provided by the home school; however, the other 50 percent were either unsure, sometimes, or strongly disagreed. While there was not a clear majority who perceived the DAEP services were better than the services provided by the home school, more parents perceived the DAEP services to be better than parents who perceived the home school services to be better than the DAEP.

Section Two: Expectations, Demographic and Other Similarities among the DAEP Families

Section two of chapter four reviews the data gathered from the second part of parent survey. The purpose of the parent survey was to collect data to better understand how parents of students placed in the DAEP perceive the educational experience that their children and to better understand the family's socio-economic and cultural

backgrounds. The first part of the survey contained 14 questions on the kind of educational services provided to their children before, during and after they were placed in the DAEP. The second part of the parent survey contained 10 questions related to family demographics and family background.

Part two of the parent survey gathered demographic data about family socioeconomic and socio-cultural background. In addition, parents were probed about their expectations for the future of their child's education. The parents were asked 10 questions which will be reported in this section.

The demographic data revealed that 90 percent of the sample was African Americans, 10 percent were Hispanic, and 100 percent were males. The guardianship of these students was mixed with only 20 percent in a traditional two parent family structure. Fifty percent were in a family structure with a mother as a single parent while 10 percent were in a family structure with a grandmother and a grandfather. Twenty percent were in a family structure with a single grandmother.

The first question asked for *the highest level of education completed by the guardian(s)*. In response to this question, the data indicated that *20 percent* of the guardians have only some high school education and did not earn a high school diploma; *60 percent* of the guardians who were interviewed, successfully graduated and earned a high school diploma; and *20 percent* of the guardians had some college or university experience but did not earn a diploma. The second part of the question revealed that *20 percent* of the students were being raised by their biological mother and father in the same household; *50 percent* of the students were being raised in a single parent home with only the biological mother; *10 percent* of the students were being raised in a home

by their grandmother and grandfather; and *20 percent* of the students were being raised by the grandmother only.

Question two asked: *During the initial placement, how many hours did you work per week?* The responses indicated that *10 percent* were not employed at all; *30 percent* worked part-time; *40 percent* worked a full-time job; and *20 percent* were classified as other. The classification of “other” were responses that only came from the grandparents who received disability or retirement benefits from the state or previous employment as their contributing source of income.

Question three asked: *During the initial placement, what was the family’s income level?* When responding to this question, the results showed that *20 percent* earned an annual income between \$0 and \$20,000; *60 percent* stated that they earned an annual income between \$20,000 and \$40,000; *10 percent* earned an income between \$40,000 and \$60,000; and *10 percent* between \$60,000 and \$80,000.

As the survey items continued, the next series of questions were related to the school selection and the amount of time that the parents dedicated to developing consistent forms of academic reinforcement at home. When asked question four: *What was the reason your child attended their home school?*, a total of *90 percent* of the responses indicated that the school the child attended was identified as the zoned school according to the parents’ address; *10 percent* of the parents stated that the school their child was previously enrolled in was in close proximity of their place of employment.

Question five asked the participants: *On an average, what is the best estimate of the number of minutes that you require your child to read independently?* The responses indicated that *90 percent* of the students are required to spend at least *0 to 20 minutes*

each day independently reading; and *10 percent* of the parents require that at least *40 to 60 minutes* each day is dedicated to independent reading time.

Question six of the survey asked: *On an average, what is the best estimate of the number of minutes each day that you and your child read or complete homework together?* The responses to this question indicated that *60 percent* of the subjects' spend at least *0 to 20 minutes* each day reading or completing homework with their child; *10 percent* of the subjects stated that they only spend *20 to 40 minutes* each day on reading and homework with the student; *20 percent* responded that *40 to 60 minutes* were dedicated to daily reading and homework; and *10 percent* of the participant spend *60 minutes or more* each day for reading and homework with their child. The final question of the survey was designed to assess the parental perception on the parents' educational expectations for their sons. Only *30 percent* of the participants stated that they believed their child will likely attend a college or university; *20 percent* of the participants stated that the child will likely learn a trade; *10 percent* of the parents responded by saying the child will possibly enlist in a branch of the military; and *40 percent* of the parents stated that they were unsure of what their child will do after high school.

Quality of services of the DAEP (teachers and administrators)

In summary, 50 percent or more of the parents perceived that the services provided by the DAEP were better than the services provided by the home school; however, the other 50 percent were either unsure, sometimes, or strongly disagreed. While there was not a clear majority who perceived the DAEP services were better than the services provided by the home school, more parents perceived the DAEP services to be better than parents who perceived the home school services to be better than the

DAEP. It was also interesting that 80 percent of the parents thought that the placement in the DAEP was fair. Parents clearly were not provided with recommendations of services outside of the student to help the parents assist students with their academic and behavioral problems. Parental perceptions must be considered in the context of the student abilities. For example, archival data showed that 60 percent of the students were incarcerated during the study period of 2004-2010, 70 percent returned to the DAEP one or more times, some students returned more than three times, and 40 percent of the sample was identified for special education services with one student who was identified as emotionally disturbed schizophrenic. It may be that while the parents thought that the DAEP placement was better than the home school, it may not have been the best placement for their son. The TEC, Chapter 37.008 intended the DAEP to be a punitive placement for students who are discipline problems under the District Student Code of Conduct. It only serves one purpose.

Section Three: Student Academic and Discipline Background using Archival Data and Other Documents

Section three of chapter four discusses the archival data and other documents gathered about student academic and discipline background. In an effort to provide greater measures of credibility, Lincoln & Guba (1982) recommend that researchers use triangulation, peer debriefing, and use of referential adequacy materials. Triangulation is the use of multiple sources of data or the use of multiple methods to study a single problem ((Denzin & Lincoln, 2000). This study used the data from the parent survey/interview, archival student achievement data, and other documents including student retention data and student discipline data for the period of 2004 to 2010. The test data used were the test scores for the state accountability test and the district norm-

referenced testing. All data used were coded by case number. No student identifiable data were used.

Various forms of student achievement and other student data were collected for this study by using the Public Education Information Management System (PEIMS). The PEIMS data encompasses all information requested and received by the Texas Education Agency about Texas public education. This information includes student demographic and academic performance, personnel, financial, and organizational information. The following sets of archival data were obtained for each student: 1. Students who receive special education services; 2. Student retention data; 3. Texas Assessment of Knowledge and Skills (TAKS) test data; 4. Stanford Achievement Test Series (SAT 9 or SAT 10) scores; and 5. DAEP data.

Students who receive special education services.

Each student was identified by the home school for the need for special education services. All students with disabilities are expected to exhibit appropriate conduct just as their non-disabled peers. If a student with disabilities commits an offense that warrants a removal to a DAEP, the special education department at the student's home school must conduct an Admission, Review, and Dismissal (ARD) committee meeting in which a Manifestation Determination Review (MDR) will be held. The MDR will determine if: 1. the inappropriate conduct exhibited by the student was caused by, or had a direct and substantial relationship to the student's disability; or 2. the conduct in question was the direct result of a failure to implement the student's Individualized Education Plan (IEP). Out of the 10 subjects who were selected for this study, 50 percent of them were identified as special education students.

The special education data showed that students two, five, eight, and nine of the sample were identified as special education students. Student four was identified as academic failure and behavior and labeled as learning disabled. Student eight was identified as academic failure with violent behavior. He was labeled as emotionally disturbed with bipolar disorder and schizophrenia.

Student retention data.

The student grade retention data were investigated using parent survey responses and PEIMS data. According to the archival data, 80 percent of the sample had failed at least one grade level for the period 2001-2010. Student retention data for the sample showed that 80 percent of the sample were retained one or more times. During the 2003, 2005, and 2007 school years, at least one of the students in this study was retained. In 2001, student three was retained in the first grade and then retained again in 2004 in the fourth grade. Student nine was retained in the second grade in 2001. Student four and five were retained in the second grade in 2002. Student six was retained three times, once in 2003 in the second grade and then twice in third grade in 2004 and 2005. In 2004, student two was retained in the second grade. In 2007, 2008, and 2009, student seven was retained each year in the sixth grade. In 2008 and 2009, student one was retained in the seventh grade each year. Student eight and ten were never retained.

Texas assessment of knowledge and skills (TAKS) test data.

The TAKS test is designed to measure the extent to which students have learned the state standards taught for third, fourth, fifth, eighth, and ninth grade exit (AEIS,2010).

According the archival data, the accountability test data demonstrated that of the sample, 40 percent were never tested for the state accountability system. Of the 60

percent who were tested for TAKS, only student ten passed math and reading in the third grade and student two passed math and reading in the fifth grade. The Stanford data showed that while 90 percent of the sample was tested, only student four was above level on reading, language, math, and total score. All other students who were tested were off level.

For the purpose of this study, TAKS scores based on third, fourth, and fifth grade were used. Test data were provided for students enrolled in the third and fifth grade for reading and math. Fourth grade students have data for reading, writing, and math. This study reported student TAKS data from the first administration of the test; even though students were given multiple opportunities to pass the test. Some students in the study have no TAKS test data because extenuating circumstances like absences, mobility, suspensions, behavioral restrictions, and incarceration prevented testing them.

Four out of 10 students were given the third grade level TAKS test on reading and math while enrolled at the DAEP. Student three and student ten passed the third grade math and reading portion of TAKS. Student five and six failed the third grade math and reading portions of TAKS. Students one, two, and three took the fourth grade level TAKS test on reading and math; however, the data showed that none of the students successfully passed this grade level test. The results for the fifth grade TAKS test indicated that only one out of the 10 students, who took the test, passed the math and reading portions.

Stanford achievement test series (SAT 9 or SAT 10) scores.

The SAT 9 or SAT 10 is one of the leading nationally-norm, standardized achievement test used by school districts in the United States to assess children from

kindergarten through high school. Stanford data were reported for reading, language, math, and total. Eighty percent of the student sample had Stanford students' grade equivalent scores for the fifth grade. Student four was the only student who scored on or above grade level on the Stanford. Of the remaining seven students, six scored on the second or third grade level in reading. Student nine scored on the fourth grade level. Of the seven, five students scored on the second or third grade level in language. Student seven and student eight scored on the fourth grade level in language. In math, three students scored on the second or third grade level in math. Students three, five, seven, and nine scored on the fourth grade level in math.

DAEP data.

DAEP data collected included DAEP placement by initial referral and follow-up data on subsequent placements by year of placement. The data identified the discipline removal by mandatory and discretionary with the district code of district conduct level of infraction.

The data gathered illustrated that 90 percent of the removals to the DAEP were discretionary removals using the Level III "serious and persistent" clause of the district policy (District Code of Student Conduct, 2010). One student was referred using a Level IV mandatory placement for choking a student. Student nine was placed in the DAEP for a Level IV discipline infraction that "constitutes a finding that the student has engaged in a serious misbehavior" (District Code of Student Conduct, 2010, p. 7). In this case, a student with a history of teasing for being overweight lashed out at another student and started to choke the classmate.

***Level IV—Required Placement in a Disciplinary
Alternative Education Program:***

- *Criminal offenses as defined in Level IV. This may include any felony, whether school-related or not, unless it is one for which expulsion is required. A finding that a student has engaged in an offense listed under Level IV constitutes a finding that the student has engaged in serious misbehavior.* (District Code of Student Conduct, 2010, p. 8).

All the students in this study were assigned to the DAEP for a period of three to six months. Students return to the home school without any transitional services upon the completion of the placement. This study illustrated that for this sample, DAEP was unsuccessful. In exploring recidivism rates for the sample, 70 percent of the sample or students 1, 2, 3, 5, 6, 7, and 8 were returned to the DAEP from one to three or more times. Fifty percent of the sample, student one, three, six, seven, and eight, were returned to the DAEP for three or more times. Three students returned to the DAEP five times after the initial placement. Students four, nine, and ten never returned to the DAEP.

According to the archival data there were five students (student one, three, six, seven, and eight) in the sample who were referred to the Juvenile Justice Alternative Education Program (JJAEP) reserved for the most dangerous students. According to the TEC, Section 37.011 each county with a population greater than 125,000 is required to have a JJAEP under the jurisdiction of the county government. JJAEPs are intended for public school students who are expelled for guns, drugs, other weapons, other crimes, or are placed in the JJAEP by the juvenile court, the juvenile board, the juvenile board's designee, or the DAEP (TEC, 37.011, 2009). During the parent interviews, parents became emotional when discussing the affects of DAEPs. Some parents cried and others became angry and anxious. One parent responded, *"I'm fed up with these alternative schools, they have done nothing for him and they look like a miniature jail"*. Another

parent lamented that *“after seven years of going in and out of the DAEP, her son does not appear to be improving”*.

The recidivism rate may be an indication that, for this sample of students, the DAEP was a failure. On the contrary, the DAEP was more aligned with the school-to-prison pipeline theory (HCRP, 2000). One student is currently under the custody of the Texas Youth Commission (TYC) and was recently released from TYC. Sixty percent of the sample had been incarcerated more than once. Student one, three, six, seven, and eight moved from the DAEP to the JJAEP to incarceration - a clear school-to-prison pipeline (HCRP, 2000).

Section Four: Summary of Findings

Section four of chapter four provided a summary of the findings using the parent survey on quality of home school services prior to DAEP placement, the quality of DAEP services, parent demographic survey, district achievement archival data, district policy documents, and state policy documents. The survey for this study was approved by the University of Houston Human Subjects Committee (UHHSC). The data were gathered by the researcher who maintained a data log at the University of Houston in the office of the doctoral sponsor as required by UHHSC policy. The data were attributed to each student and the parent of each student by corresponding research numbers.

Chapter 5

Recommendations

It is one thing if the discipline problems within our schools are well beyond teachers' and administrators' collective locus of control, and quite another if teachers and administrators abdicate their responsibility to discipline students effectively when they are capable of doing so. (Suarez, 2010)

Introduction

The purpose of the study was to analyze parents' perceptions of a purposive sample of 10 case students who spent 6 months or more of their school time in the past 6 (2010-2004) years in a DAEP. The research questions asked: 1) How do parents perceive the educational experiences of students who over a 6 year period (2004-2010) spent 6 or more months in the DAEP starting in elementary school? 2) How can the DAEPs meet the needs of the students to prepare them to be successful in the traditional school setting? 3) What are the expectations, demographic and other similarities among the DAEP students and their families?

While there have been many studies on school discipline, few studies have focused on the implications for the educational experiences of students who spend 6 months or more in a DAEP as perceived by their parents. Research was also lacking on the consequences of negative school discipline experiences for minority students.

Chapter Five will describe the implications of the findings of this study on the educational experiences of students who were placed in DAEPs. Specifically this section is divided into the following subsections: 1. The perceptions of parents on the quality of home campus school discipline as analyzed by the parent survey and the parent interviews; 2. The quality of DAEP services as analyzed by the parent survey and the parent interview; 3. The socio-economic backgrounds of students placed in DAEPs; 4.

The academic and discipline backgrounds of students placed in DAEPs as identified by school archival data, other school documents, and parent interviews; 5. Implications for school district discipline policy, practice, parents and communities; 6. Recommendations; and 7. Conclusions and implications for future research.

The Perceptions of Parents on the Quality of Home Campus School Discipline

The perceptions of parents on the quality of home campus school discipline as analyzed by the parent survey and the parent interviews were based on question one A-I. For questions A-G, 80 to 100 percent of the parents responded that the home school complied with the minimum expectations as outlined by the district policies but were not helpful to the parents. The findings in this study showed that parents did not perceive the instructional and disciplinary practices of the home school to be student friendly. While in question 1-A (My child's teacher provided several interventions to help with my child's behavior problems before the referral to the DAEP) 80 percent of the parents replied that the teachers did not provide behavioral interventions before they were referred by to the DAEP. Two parents provided the following teacher recommendations for interventions: one teacher suggested that the student be placed in another teacher's class and another teacher recommended the grandparent/guardian take the child to a physician for a prescription for behavior medication. Two questions asked if parents perceived that the administrator and teachers understood the behavioral and academic needs of the student. Ninety to 100 percent disagreed. Two questions asked if teachers and administrators met with parents to recommend community resources related to the students needs and available to parents. One hundred percent responded "no". When asked if the administrator met with the parents before the student was sent to the DAEP,

90 percent of the parents responded “yes”. These responses indicated that while administrators provided the minimum district policy requirements, neither teachers nor administrators were helpful in providing interventions or resources as perceived by parents.

When parents were asked about their expectations for the academic future of their children, 30 percent of the parents want their child to attend college, 20 percent expected them to learn a trade, and one expected the student to enter the military. Forty percent were unsure of what would happen to their children.

Quality of DAEP Services

In summary, 50 percent or more of the parents perceived that the services provided by the DAEP were better than the services provided by the home school; however, the other 50 percent were either unsure, sometimes, or strongly disagreed. While there was not a clear majority who perceived the DAEP services were better than the services provided by the home school, more parents perceived the DAEP services to be better than parents who perceived the home school services to be better than the DAEP. It was also interesting that 80 percent of the parents thought that the placement in the DAEP was fair. Parents clearly were not provided with recommendations of services outside of the student to help the parents assist students with their academic and behavioral problems. Parental perceptions must be considered in the context of the student abilities. For example, archival data showed that 60 percent of the students were incarcerated during the study period of 2004-2010, 70 percent returned to the DAEP one or more times, some students returned more than three times, and 40 percent of the sample was identified for special education services with one student who was identified

as emotionally disturbed schizophrenic. It may be that while the parents thought that the DAEP placement was better than the home school, it may not have been the best placement for their son. The TEC, Chapter 37.008 intended the DAEP to be a punitive placement for students who are discipline problems under the District Student Code of Conduct. It only serves one purpose.

Socio-economic Backgrounds of Students Placed in the DAEP

The background data for this study showed a population of 90 percent African Americans, 10 percent Hispanic, and 100 percent male. While only 20 percent of the population lived in a traditional family with a mother and a father, 50 percent lived in a home with a single-mother. Thirty percent of the sample was raised by a grandparent family structure.

The education background of the guardians showed that 80 percent of the sample had a high school education or some college. Only 20 percent of the sample was high school dropouts. Seventy percent of the sample worked part time or full time. Only two guardians did not work. Sixty percent of the sample had an income that ranged from \$20,000 to \$40,000. These families had a lower education level and a lower income level than the median income for families in the U.S.

The Academic and Discipline Backgrounds of Students in DAEPs

Academically all of these students were low performing and many did not consistently take the state accountability testing leading one to believe that high-stakes testing atmospheres creating an impetus for 90 percent of the teachers to use a wiggle policy to remove them from the home campus, off of the home campus test data, and to the DAEP. Rather than looking for programs to decrease the achievement gap, the

wiggle policy gave teachers and administrators the opportunity to remove students from campus test data. The norm-referenced test data showed that only 10 percent of the sample was on grade level. Low achievement was a factor in the academic life of 90 percent of the DAEP sample.

Implications for School District Discipline Policy and Practice: Recommendation to Provide Alternative Education Programs that Meet More Needs

There is a need to define the future of school discipline grounded in recommendations for constructive interventions that focus on the student's academic success, the family, and the community, rather than the exclusionary policy that leads to dropping out of school and contribute to an unhealthy school atmosphere affecting students and teachers. The existing exclusionary policies target students of color and students with disabilities with a disproportionate effect on African American student (nearly three times as likely to be suspended and three point five times as likely to be expelled) and Latino students (one point five times as likely to be suspended and twice as likely to be expelled) (Duncan, 2010).

Alternative education options are needed from early intervention and prevention strategies in the early years in elementary school to the middle and high school years in secondary school. Alternative learning opportunities are particularly essential for students who have been unable to learn in the traditional classroom. All the students in this study were removed from the classroom during the accountability testing period; however, students three to nine were tested on a nationally-normed test showing that of the eight students tested, one was on grade level, six were not on grade level and there were no final data on ten. Clearly these students were not able to learn in the traditional

classroom. Of the sample, 60 percent were never tested in the third grade which is the first year for accountability testing.

According to the research, in developing alternative learning options, it is crucial to develop collaborations and coordinate among multiple youth-service systems, including child protective service systems, the juvenile just system, and a variety of health and human services agencies, such as mental health and substance abuse treatment agencies, crisis intervention centers, runaway and homeless youth shelters, and other communities services (Aron, 2006; Reyes, 2006). According to data gathered for this study, when parents were asked if home school teachers provided any information on *parent organizations, community agencies, or trainings related to the needs of my child*, 100 percent responded “no”.

Alternative schools are defined as any, and as all educational activities that fall outside the traditional K-12 school system, including home schooling, GED preparation programs, special programs for the gifted, charter schools; however when the term is used to identify programs serving vulnerable youth they become associated with unsuccessful youth and are tainted as poorer quality than the traditional (Aron, 2006; Reyes, 2006). Some alternative programs can be highly valued in their ability to motivate and educate disengaged youth (Aron, 2006; Reyes, 2006). Alternative schools have been classified by (Raymid, 1994, p. 26-31) as Type I schools with a challenging curriculum for students who need individualized education. Clearly many of the students in this study were not able to succeed in the traditional home school to which they were zoned. The students in this sample would have benefitted from a Type I alternative school model that focus solely on the educational needs of students. The archival data in

this study showed that that 70 percent of the students had educational problems and 80 percent of the sample were retained at least once in elementary school and repeatedly placed in the since the DAEP placement.

Type II schools are the punitive disciplinary centers designed to segregate, contain, and reform disrupting students. There were about three students who benefitted from being placed in the DAEP. Thirty percent of the sample never returned from the DAEP. The DAEP served its purpose in isolating these students, exposing them to counseling and behavioral strategies. As one parent said, "*I was in favor of the school's decision from the beginning, despite my wife being strongly against sending my son to the alternative school. I believed that it was important for our son to learn a valuable lesson of accepting consequences for inappropriate actions and poor decision making*".

Type III is a short term placement site acts as a therapeutic setting for students with social and emotional problems that create academic and behavioral barriers to learning. Type III schools offer counseling, access to social services and academic remediation. Students can opt not to participate in these placements (Raymid, 1994; Reyes, 2006). Forty percent of the student sample was identified for special education services with one student who was identified as emotionally disturbed schizophrenic. These students would benefit from a therapeutic setting as a short-term placement while the child who was emotionally disturbed schizophrenic may have needed more than a short-term placement. The teacher for student two, who three years later was identified for special education services, recommended that the student be put on behavior medication. She had no other options. The parent of student eight stated that before the elementary DAEP placement "*he ran away from his school and began to act so strangely*

that he was hospitalized". The parent described a second event following the hospitalization, in which the student witnessed "*a traumatic family event that lead to continuous behavior infractions and excessive psychiatric treatment*".

Implications for School District Discipline Policy, Practice, Parents, and Communities: Recommendation for Ongoing Classroom Teacher Staff Development: Positive Behavior Support (PBS); Restorative Justice (RS); Collaborative Problem Solving (CPS) Approach

According to the district policy and the research, the classroom teacher is the first respondent to student discipline issues in Level I and Level II infractions (see Table 4.1). Disciplinary transformation has depended in large part on augmenting the role of classroom teachers as first responders to disciplinary situations (Schachter, 2010, January). The teachers' role in school discipline involves teachers with students, parents, school nurses and guidance counselors in dealing with student behavior. According to Schachter (2010), there is an emphasis on doing things in the classroom with a focus on teacher development. Classroom management is the teacher's responsibility. Research findings showed that discipline starts at the home campus and is interrelated to social cohesion, belonging, teacher-learner relationships, and culturally relevant pedagogy to identify classroom characteristics and pedagogical and disciplinary practices that promote positive school outcomes for African American children in low-income urban settings (Lewis, J.L., Eunhee, K., Gullon-Rivera, A. & Woods, L., (2007). In a study to identify the elements of classroom practices that appeared to support changes in the children's behavior the following practices were identified as promoting social cohesion in African American community and children: 1. a sense of belonging in

the classroom is an important feature of productive classrooms for African American children (Lewis, et al., 2007). According to Osterman (2000), research suggests that a sense of belonging in classrooms in which children have a strong sense of belonging are correlated with high student motivation, self-regulation, and autonomy, and strong (mutually productive and satisfying) working relationships between teachers and students and among students. Nurturing teachers who exhibit care and collaboration in the early grades encourages children to be active, mutually supportive members of the classroom community, effectively integrating social-affective and intellectual development into their general school experiences.

The data from this study showed that parents perceived that the classroom teachers from the home school were not supportive and did not care for the students. When asked if the home school classroom teachers provided interventions before sending the student to the DAEP, 80 percent of the parents responded, “no”. When asked if the home school teachers and administrators understood the student’s academic needs, 90 percent responded, “no”. None of the parents strongly agreed that the home school teacher cared about their son. Only one parent agreed that the home school teacher cared about their son. Ninety percent of the parents either thought that the teacher sometimes cared or strongly disagreed that the home school teacher cared about their son. Other evidence that teachers did not care was that when given the opportunity to remove the student from the home school to a DAEP, 90 percent of the teachers chose to use the “persistent misbehavior” clause to place students in the DAEP. Given the abilities of the students, it is also possible that these teachers did not have the skills to properly manage

these students or the district did not offer them the resources that some of the students needed.

According to Noddings (1984), a look at the world today gives us a view of a world wacked with fighting, killing, vandalism, and psychic pain or a sadden picture of violence (p.1). While we have laws against criminal behavior, laws are not enough. There is a need for an ethic of caring that will not permit others to be devalued and treated differently (Noddings, 1984). “Hence, when we must use violence or strategies on the other, we are already diminished ethically. Our efforts must then be directed to the maintenance of conditions that will permit caring to flourish” (Noddings, 1984, p. 5) . How would the lives of this sample of student look if teachers, administrators, and the school district cared enough about these troubled students to provide services that met their needs in the first, second, and third grade?

While administrators used the basic district policy for informing parents that their child would be removed to the DAEP, teachers according to parent perceptions did not act as the frontline discipline managers. According to the district policy, “*Each teacher or staff member establishes the rules for the classroom and for school-related activities. Much behavior can be managed by the classroom teacher*” (see Table 3.1). According to the district Code of Student Conduct, “*the principal shall deliver a written copy of the order placing the student in a DAEP to the parent or guardian*” (District Code of Student Behavior, p. 15). While the research and the district policy show that the classroom teacher is responsible for classroom management including student discipline, the data showed that this did not happen for students referred to the DAEP. Based on the research and the data from this study, it is recommended that ongoing teacher classroom

management staff development focusing on programs like Positive Behavior Support (PBS), Restorative Justice (RS), Collaborative Problem Solving (CPS) Approach and other programs specific to the needs of district-specific typical DAEP student needs (Schachter, 2010).

Positive behavior support (PBS).

PBS is a program approach that pays close attention to the social and emotional circumstances that can lead to bad student behavior while providing interventions to prevent it. PBS requires that students understand the impact of their actions and make appropriate amends.

PBS refers to the application of positive behavioral interventions and systems to achieve socially important behavior change to achieve socially important behavior change. Originally PBS was developed to provide alternatives to aversive interventions for students with significant disabilities who engaged in extreme forms of self-injury and aggression (Durand & Carr, 1985). The process has extended as an intervention approach for individual students to the entire school (Sugai & Colin, 1998).

PBS is an application of behaviorally-based intervention system approach to improve the capacity of schools, families and communities and to improve the relationship between research-validated practices and the environments in which teaching and learning occurs. The focus is on creating and sustaining school environments that improve personal, health, family, social recreation and other lifestyle results. The system uses culturally appropriate interventions. Haring and De Vault (1996) listed the following indicators:

- (a) “interventions that consider the contexts within which the behavior occurs”;
- (b) “interventions that address the functionality of the problem behavior;;
- (c) “interventions that can be justified by the outcomes”; and
- (d) “outcomes that are acceptable to the individual, the family, and the supportive community” (p. 116).

PBS includes features that are grounded in behavioral sciences, practical interventions, social values, and systems perspective. The behavioral sciences of human behavior link the behavioral, cognitive, biophysical, developmental, and physical environment factors that influence how a person behaves (Wolery, Bailey, & Sugai, 1988). The science focuses on the development and durability of disruptive and dangerous behaviors (Biglan, 1995). The behaviors are linked to unintentional behavior in student, peer, and/or teacher interactions. The goal is to use environmental factors that can be controlled and changed to teach more socially appropriate and functional behavior. Although learning and teaching processes are complex and continuous and some behavior initially is not learned (e.g., bio-behavioral), key messages from this science are that much of human behavior is learned, comes under the control of environmental factors, and can be changed. The strength of the science is that problem behaviors become more understandable, and as our understanding grows, so does our ability to teach more socially appropriate and functional behavior. The PBS approach is founded on this science of human behavior, practical interventions, lifestyle, outcomes and systems perspective. Different procedures and strategies are applied at different levels, but the fundamental principles of behavior are the same (Wolery, Bailey, & Sugai, 1988).

Restorative justice (RJ).

RJ is a more recent approach to discipline that offers a more flexible and creative way of dealing with behavioral incidents. Like PBS, restorative justice requires that offenders understand the impact of their actions and make appropriate amends. The goals of RJ are to repair the harm caused by the student's offense and to involve the community in disciplinary procedures. The program is comprised of the models of conflict resolution (Suvall, 2009). The process consists of a system that incorporates disapproval of an offender's actions while reaffirming the norms of the community and reintegrating the offender back into the community. RJ practices support the victims and offenders, providing both with an opportunity to share their perspectives and to work together to reach a reparative solution (Cara, 2009). Punitive discipline policies are speedy and eliminate any discussion or focus on improving the community's capacity to respond positively to adversity and conflict focusing on family and community control of behavior (Cara, 2009). RJ works on building community capacity (Karp & Breslin, 2001). The success of the program depends on the ability of schools and parents to change student culture. In Denver, the number of referrals to the principal has dropped from 1,659 in 2007-2008 to 1,252 in 2008-2009, and out-of-school suspensions dropped from 326 to 174 in the same period. At the Lawndale Prep School in Chicago, RJ coordinators mediate conflicts between students or between a teacher and a student (Schachter, 2010). They work with students, parents, teachers and administrators to devise alternative punishments to suspensions. They monitor and evaluate the outcomes of behavioral incidents (Schachter, 2010). A goal of RJ is to create an environment in which students take more responsibility exposing students to the feelings of those

individuals who have been abused by the offender. RJ emphasizes trying to prevent certain behaviors before they occur, analyzing behavior antecedents and focusing on age-appropriate discipline techniques to keep students in school (Schachter, 2010). RJ focuses on a disciplinary transformation dependent in large part on augmenting the role of classroom teachers as first responders to disciplinary situations. The teachers' role is illustrated in the new policy through a six-level "discipline pyramid" that involves teachers with students, parents, school nurses and guidance counselors in dealing with student behavior (Karstaedt, 2010).

Collaborative problem solving (CPS).

CPS is accompanied by a Bill of Rights for Kids with Social, Emotional and Behavioral Challenges (Schachter, 2010, January). The approach of CPS is described as a cognitive – behavioral approach for working with aggressive children and adolescents, which was originated by Ross W. Greene, Ph.D., Associate Professor in the Department of Psychiatry at Harvard Medical School. Through the implementation of CPS, aggressive behavior is identified by an individual not having the cognitive ability to adjust to flexibility, frustration tolerance, and problem solving. Trained staff is able to identify and assess specific cognitive skills that may be contributing to challenging behavior and through strategic steps, teach patients new skills using the CPS approach in restrictive therapeutic settings (Greene, Ablon, & Goring, 2003).

There are three primary treatment goals of CPS (Greene, Albon, & Martin 2006). The first goal is to help patients identify the cognitive factors that may contribute to aggressive outbursts in children and adolescents, in the areas of emotion regulation, frustration tolerance, problem solving and adaptability skills. During the second goal, the

intentions are to help the adults to become cognizant of the three common options for handling problems or unmet expectations which include the imposition of adult will, collaborative problem solving and the removal of the expectation; in which the impact of each of these three strategies on adult-child interactions are identified. The third goal is to help adults and children become proficient at solving problems collaboratively so as to resolve potentially conflictual situations in a manner that reduces the likelihood of aggressive outbursts, facilitates assessment of the cognitive factors underlying the child's difficulties and length of stay permitting teaches the child specific cognitive skills.

Recommendations

Recommendation one: refocus Title I parental involvement training to include non-traditional family structures.

Many of the parents in this study exhibited and expressed their needs for guidance as parents. The study showed that 30 percent of the students were raised by their grandmothers and only 20 percent of the students were raised by their mother and father in the same household. One mother sharply responded with "no" to a question and began to attack the school system, the policies and practices. The mother continued by saying, *"she doesn't know what's going on with him and his behaviors because the teachers can't help him due to his not remaining in school long enough. She also stated that the school system needs to enforce the use of corporal punishment back in the schools to help control out of control students like her son"*. Another mother responded, *"no and I did not either"*. *"When he misbehaves, I try talking to him about his inappropriate behaviors, punishing him, and even spanking him but to no avail. Nothing helps to change his behavior"*. Also, the mother blamed the student's behavior on an

absent father. *“He should be in his life. I believe that is the reason that he has a problem respecting women (mainly women teachers)”*. An aunt serving as the guardian for the students said, *“I first began to keep him because his mother was dealing with a lot of issues when he was very young; but I don’t know what else to do with him, nothing scares him”*. One grandparent expressed her frustrations in raising her grandson, *“Times have changed since I raised my own children”*.

Recommendation two: develop transitional services to students returning to the home campus.

The data recorded in the Texas Appleseed, 2007 reports that recidivism rates are commonly high for DAEPs. In 2005-06 alone, the recidivism rate for DAEPs approached 30 percent—but it is no surprise that recidivism rates for Out of School Suspensions (OSS) and In School Suspensions (ISS) are much higher. In 2005-06, 105,530 students were referred to a DAEP in Texas, while the total number of DAEP referrals was 136,938. That same year, there were 1.7 million ISS referrals involving 652,460 unduplicated students, and 638,257 referrals to OSS involving 311,940 unduplicated students.

Research data from these reports support the fact that well-administered suspension and DAEP programs are needed, however high recidivism rates are a persuasive indicator that current approaches to managing problem behavior are not working for significant numbers of students. This conclusion is supported by a study published by Texas A&M Public Policy Research Institute in 2005 which found that among the “risk factors” commonly associated with referral to the juvenile justice system, the single most important predictor for referral was a history of disciplinary

referrals at school. The study considered the following factors: gender, low income status, academic giftedness, limited English proficiency, school disciplinary contact, whether or not the juvenile was a gang member, race/ethnicity, disability status, offense type, who the child was living with at the time of the offense, school attendance rate, and age.

Finally, programs should be in place to support the transitional services for students returning to the home campus after attending a DAEP because these students are at an academic curriculum and school climate disadvantage as compared to some students who have remained at their home school. Therefore, it is also important to recognize that counseling services should be a requirement for the students as they begin to conform to school rules, policies to allow the student. The recidivism rate in this study illustrates that 70 percent of the students returned to a DAEP after their initial placement. Of the 70 percent of students who returned, 50 percent of the students have been referred to a DAEP more than three times. Such alarming data implies that there should be appropriate plans in place to help students re-adjust to the home school climate once they return from a DAEP.

Recommendation three: to change discipline policy on a federal level and to provide Title I funding for school districts to expand school district Level I, Level II, and Level III interventions, including PBS, RJ, and CPS before students are removed from the home school.

According to Irvine (1990), discipline policies in practice most often work against African American children. While the majority of the teachers and the principals had the option to recommend discipline interventions to keep the student on campus using the

“persistent misbehavior” clause they chose the more punitive choice to remove the student from the home campus; however, they followed all the district code of student conduct policies at the minimum level (Taylor & Foster, 1986, pp. 498-506). According to Taylor and Foster (1986), despite the altruistic rationale for public policies, some research has shown that policy can also be self-serving and “Much of the public policy has become the new mechanism for suppressing racial minorities” (p. 499). However, federal policy can provide basic resources for major changes. There is a need to change federal Title I policy and provide funding for school districts to expand Level I, II, and III interventions and to provide funding to expand the use of alternative discipline programs like PBS, RJ, and CPS before students are removed from the home school. While the research shows that discipline policies most often work against African American and Latino children, our data showed that school practitioners will follow policy.

Conclusion and Implications for Future Research

Chapter five discussed some the findings from the completed study regarding the need for future research on the affects of DAEPs as a component of zero tolerance school discipline policies, the school-to-prison pipeline, achievement gap of African Americans and Hispanic students, and the need for providing more meaningful interventions for student discipline in the elementary and secondary schools.

Opinions expressed in this chapter are the opinions of the author and are rooted in the data collected from the parent survey/interviews, state and local documents, and student archival data. The recommendations for this study are made for their application to this group of 10 students who spent 6 months or more in the DAEP in the period of 2004-2010. This qualitative study was exploratory because of the lack of research with

DAEP parents of students who spent 6 months or more in the DAEP during the period of 2004-2010. Qualitative data collection and analyses research methods were used to increase the validity of the data gathered (Denzin & Lincoln, 2000). Data were gathered using data triangulation using a parent survey/interview, archival data, state documents, and district documents (Denzin & Lincoln, 2000). Peer analysis was used to analyze the data gathered. The researcher conducted the interviews and developed completed surveys and transcripts of the survey/interview. The transcripts were reviewed by the professor and the researcher to conduct the peer analysis and to assure that others confirmed or recommended changes on the original data. While the data reported in this study are applicable to the sample of 10 students and provides a snapshot of the sample, it is not generalizable to the total DAEP population; however, it does provide data which may be used to conduct a more representative quantitative research.

There are four things that the school district can implement to create a more responsive education for African American and Hispanic students. First, evaluate the behavioral issues in elementary and secondary schools and provide more responsive, campus-based discipline interventions in which teachers receive extensive staff development including PBS, RJ, and CPS. Second, evaluate the academic and special needs of students who are referred to the DAEP and provide appropriate referrals to one of three settings based on academic needs, crime-related behavior, and therapeutically-related services. Third, develop more comprehensive parental involvement for family structures that include relatives and grandparents. Lastly, provide a transitional service for at least one week for DAEP students returning to the home school campus. If the school-to-prison pipeline and continued intensity of the achievement are to decrease, the

school district needs to provide meaningful alternatives to the DAEP. With these changes the school district needs to restructure existing resources to fund these efforts.

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Table 2.1. Texas Education Code, Chapter 37 Alignment with District Code of Conduct

Chapter 37.001 (a)	District Student Code of Conduct
<p>(1) specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program;</p>	<p>STUDENT REMOVAL: The Texas Education Code provides teachers with three alternatives (Alternative I, II, & III) to maintain discipline by removing unruly or disruptive students from the classroom. Alternative I Alternative II Alternative III The period of the suspension is limited to three days per occurrence. Additionally, the principal or other appropriate administrator may suspend a student for up to three days pending placement in a Disciplinary Alternative Education Program.</p>
<p>(2) specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program;</p>	<p>A student shall be removed from the classroom and placed in or referred to a DAEP by the campus administrator when the student engages in any conduct listed under Level IV of the Houston ISD Code of Student Conduct. The conduct for Level IV is (list each offense)</p>
<p>(3) outline conditions under which a student may be suspended as provided by Section 37.005 as follows: Sec. 37.005. SUSPENSION. (a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be suspended. (b) A suspension under this section <u>may not exceed</u> three school days. or expelled as provided by Section 37.007; Sec. 37.007. EXPULSION FOR SERIOUS OFFENSES. (Mandatory Removals) (a) Except as provided by Subsection (k), a student shall be expelled from a school if the student, on school property or while attending a school-sponsored or school-related activity on or off of school property: (1) uses, exhibits, or possesses: (A) a firearm as defined by Section 46.01(3), Penal Code; (B) an illegal knife as defined by Penal Code, or by local policy; (C) a club as defined by Section 46.01(1), Penal Code; or (D) a weapon listed as a prohibited weapon under Penal Code; (2) engages in conduct that contains the elements of the offense of: (A) aggravated assault under Penal Code, sexual assault under Penal Code, or aggravated sexual assault under Penal Code;</p>	<p>SUSPENSION: The principal or other appropriate administrator makes the disciplinary determination on the basis of the severity of the misconduct. The district code of conduct outlines the following offenses for suspension under 37.005: EXPULSION under TEC 37.005: The acts of misconduct include serious misbehavior and/or illegal acts that threaten to impair the educational efficiency of the school and/or that most seriously disrupt the orderly educational process in the classroom and/or the school. These acts of misconduct may occur on school property or off of school property. Expulsion means removal of a student <u>from school for more than three</u> consecutive school days but not longer than one calendar year. The district code of conduct outlines the following offenses for expulsion under 37.007:</p>

<p>Code;</p> <p>(B) arson under Penal Code;</p> <p>(C) murder under Section Penal Code, capital murder under Penal Code, or criminal attempt, under Penal Code, to commit murder or capital murder;</p> <p>(D) indecency with a child under Penal Code;</p> <p>(E) aggravated kidnapping under Penal Code;</p> <p>(F) aggravated robbery under Penal Code;</p> <p>(G) manslaughter under Penal Code;</p> <p>(H) criminally negligent homicide under Section Penal Code; or</p> <p>(I) continuous sexual abuse of young child or children Penal Code; or</p> <p>(3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.</p> <p>(b) A student may be expelled if the student:</p> <p>(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code, or terroristic threat Penal Code;</p> <p>(2) while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:</p> <p>(A) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:</p> <p>(i) marihuana or a controlled substance, as defined by Health and Safety Code, or by 21 U.S.C. Section 801 et seq.;</p> <p>(ii) a dangerous drug, as defined by Health and Safety Code; or</p> <p>(iii) an alcoholic beverage, as defined by Alcoholic Beverage Code;</p> <p>(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code;</p> <p>(C) engages in conduct that contains the elements of an offense under Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or</p> <p>(D) engages in conduct that contains the elements of the offense of deadly conduct under Penal Code;</p> <p>(3) subject to Subsection (d), while within 300 feet of school property, as measured from any point on the school's real property boundary line:</p> <p>(A) engages in conduct</p>	
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specified by Subsection (a); or

(B) possesses a firearm, as defined by 18 U.S.C. ; or

(4) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.

(c) A student may be expelled if the student, while placed in an alternative education program for disciplinary reasons, **continues to engage in serious or persistent misbehavior.**

(d) A student **shall** be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.

(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, **shall** expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular campus for a period **of at least one year, except** that:

(1) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U. S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;

(2) the district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and

(3) the district or other local educational agency may provide educational services to an expelled student **who is 10 years of age or older** in a disciplinary alternative education program as provided in Section 37.008.

(f) A student who engages in conduct that contains the elements of the offense of criminal mischief under Penal Code, may be expelled at the district's discretion if the conduct is punishable as a felony under that section. **The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.**

(g) In addition to any notice required under

<p>Article 15.27, Code of Criminal Procedure, a school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The <u>may</u> revoke or suspend the certification of an educator who intentionally violates this subsection.</p> <p>(h) Subject to Subsection (e), notwithstanding any other provision of this section, a student who is younger than <u>10 years of age may not be expelled</u> for engaging in conduct described by this section.</p> <p>(i) A student who engages in conduct described by Subsection (a) <u>may</u> be expelled from school by the district in which the student attends school if the student engages in that conduct:</p> <p>(1) on school property of another district in this state; or</p> <p>(2) while attending a school-sponsored or school-related activity of a school in another district in this state.</p> <p>(k) A student <u>may not be expelled solely on the basis of the student's use, exhibition, or possession of a firearm that occurs:</u></p> <p>(1) at an approved target range facility that is not located on a school campus; and</p> <p>(2) while participating in or preparing for a school-sponsored shooting sports competition or a <u>shooting sports educational activity</u></p> <p>(l) Subsection (k) does <u>not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity described by that subsection.</u></p>	
<p>(4) specify that consideration will be given, as a factor in each decision concerning suspension, removal to a <u>disciplinary alternative education program (DAEP), expulsion, or placement in a juvenile justice alternative education program (JJAEP)</u>, regardless of whether the decision concerns a mandatory or discretionary action, to:</p> <p>(A) self-defense;</p> <p>(B) intent or lack of intent at the time the</p>	<p>When administering discipline, district personnel shall adhere to the following general guidelines: 1) Discipline shall be administered when necessary to protect students, school employees, or property and to maintain essential order and discipline. 2) Students shall be treated <u>fairly and equitably</u>. Discipline shall be based on a <u>careful assessment of the circumstances of each case</u>. Administrators should use caution and should ordinarily <u>consider developmentally appropriate interventions for very young children</u> who engage in misconduct. <u>Factors that must be considered in each decision</u> concerning suspension, removal to a disciplinary alternative</p>

<p>student engaged in the conduct;</p> <p>(C) a student's disciplinary history; or</p> <p>(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;</p>	<p>education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action.</p> <p>The DISTRICT Code considers the state requirements TEC 37.001 (a) (4):</p> <p>(A) self-defense;</p> <p>(B) intent or lack of intent at the time the student engaged in the conduct;</p> <p>(C) a student's disciplinary history; or</p> <p>(D) a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct;</p>
<p>(5) provide guidelines for <u>setting the length of a term</u> of:</p> <p>(A) a removal under Section 37.006; and</p> <p>(B) an expulsion under Section 37.007;</p> <p>Sec. 37.006. REMOVAL FOR CERTAIN CONDUCT. (a) A student <u>shall</u> be removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:</p> <p>(1) engages in the offense of false alarm or report under Penal Code, or terroristic threat under Penal Code; or</p> <p>(2) commits the following on or within 300 feet of school property</p> <p>(A) engages in conduct punishable as a felony;</p> <p>(B) engages in offense of assault under Section 22.01(a)(1), Penal Code;</p> <p>(C) sells, gives, or delivers to another person or possesses or uses or is under the influence of:</p> <p>(i) marihuana or a controlled substance,</p> <p>(ii) a dangerous drug,</p> <p>(D) sells, gives, or delivers an alcoholic beverage, commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage;</p> <p>(E) engages in conduct relating to an abusable volatile chemical under or</p> <p>(F) engages in public lewdness</p> <p>(b) Except as provided by Section 37.007(d), <u>Placed in (DAEP)</u> for retaliation under Penal Code, against any school employee.</p> <p>(c) In addition (removed to DAEP) based on conduct occurring off campus and while the student is</p>	<p>Guidelines for removal under TEC 37.001 (a)(5):</p> <p>SUSPENSION REMOVAL: Suspension is limited to three days per occurrence for the following removals under TEC 37.006:</p> <p>DAEP REMOVAL: Placements in a DAEP may not generally exceed one year, unless after review it is determined that the student is a threat to the safety of other students or a threat to district employees and it is determined that placement is in the best interest of the student. Additionally, there is no limitation on length of placement of a student in a DAEP if it is determined that the student engaged in sexual assault or aggravated sexual assault against another student.</p> <p>EXPULSION REMOVAL: Serious forms of misconduct and/or illegal acts that threaten to impair the educational efficiency of the school and/or that most seriously disrupt the orderly educational process in the classroom and/or school. Expulsion means removal of a student from school for more than three consecutive school days but not longer than one calendar year.</p>

not in attendance at a school-sponsored or school-related activity if:

(1) the student receives deferred prosecution under Family Code, for conduct defined as a felony offense ;

(2) a court or jury finds that the student has engaged in delinquent conduct under or

(3) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as a felony offense in Title 5, Penal Code.

(d) In addition to Subsections (a), (b), and (c), a student **may be removed** from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is **not** in attendance at a school-sponsored or school-related activity if:

(1) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony, and

(2) the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

(e) In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense by the Penal Code, the superintendent or the superintendent's designee **may consider all available information**, including the information furnished under Code of Criminal Procedure.

(f) Subject to Section 37.007(e), a student who is younger than 10 years of age shall be placed in a (DAEP) if the student engages in conduct described by Section 37.007.

(g) The terms of a placement under this section must prohibit the student from attending or participating in a school-sponsored or school-related activity.

(h) On receipt of notice under Code of Criminal Procedure, the superintendent or the **superintendent's designee shall review the student's placement in the DAEP**

(i) The student or the student's parent or guardian **may appeal the** superintendent's decision under Subsection (h) to the board of trustees.

(j) Notwithstanding Section 7.057(e), the decision of the board of trustees under Subsection (i) may be appealed to the commissioner as provided by Sections 7.057(b), (c), (d), and (f). The student may not be returned to the regular classroom pending the appeal.

(k) Subsections (h), (i), and (j) do not apply to placements made in accordance with Subsection (a).

(l) Notwithstanding any other provision of this code, other than Section 37.007(e)(2), a student who

<p>is younger than six years of age may not be removed from class and placed in a disciplinary alternative education program.</p> <p>(m) Removal to a DAEP under Subsection (a) is not required if the student is expelled under Section 37.007 for the same conduct for which removal would be required.</p> <p>(n) A principal or other appropriate administrator <u>may but is not required to remove</u> a student to a DAEP for off-campus conduct for which removal is required under this section if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.</p> <p>(o) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a principal or a principal's designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.</p>	
<p>(5) (A) a removal under Section 37.006:</p> <p>. (a) A student <u>shall be</u> removed from class and placed in a disciplinary alternative education program as provided by Section 37.008 if the student:</p> <p>(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code, or terroristic threat under, Penal Code; or</p> <p>(2) commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:</p> <p>(A) engages in conduct punishable as a <u>felony</u>;</p> <p>(B) engages in conduct that</p>	

contains the elements of the offense **of assault** under Penal Code;

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

(i) **marihuana or a controlled** substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; or

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

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

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

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

(b) Except as provided by Section 37.007(d), a student **shall be** removed from class and placed in a disciplinary alternative education program under Section 37.008 if the student engages in conduct on or off of school property that contains the elements of the **offense of retaliation** under Penal Code, against any school employee.

(c) In addition to Subsections (a) and (b), a student **shall be** removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(1) the student **receives deferred prosecution** under Family Code, for conduct defined as a felony offense in Title 5, Penal Code;

(2) a court or jury finds that the student has engaged in delinquent conduct under Family Code, for conduct defined as a felony offense in Penal Code; or

(3) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in a conduct defined as a felony offense in Title 5, Penal Code.

(d) In addition to Subsections (a), (b), and (c), a student **may be** removed from class and placed in a disciplinary alternative education program under Section 37.008 based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

(1) the superintendent or the superintendent's designee has a reasonable belief that the student has engaged in conduct defined as a felony offense other than those defined in Title 5, Penal Code; and

(2) the continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

(e) In **determining whether** there is a reasonable belief that a student has engaged in **conduct defined as a felony** offense by the Penal Code, the superintendent or the superintendent's designee may consider all available information, including the information furnished under Article 15.27, Code of Criminal Procedure.

(f) Subject to Section 37.007(e), a student who is younger than 10 years of age shall be removed from class and placed in a disciplinary alternative education program under Section 37.008 if the student engages in conduct described by Section 37.007. An elementary school student may not be placed in a disciplinary alternative education program with any other student who is not an elementary school student.

(g) The terms of a placement under this section must prohibit the student from attending or participating in a school-sponsored or school-related activity.

(h) On receipt of notice under Article 15.27(g), Code of Criminal Procedure, the superintendent or the superintendent's designee shall review the student's placement in the disciplinary alternative education program. The student may not be returned to the regular classroom pending the review. The superintendent or the superintendent's designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or superintendent's designee receives notice from the office or official designated by the court. After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or the superintendent's designee may continue the student's placement in the disciplinary alternative education program if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

(i) The student or the student's parent or **guardian may appeal the** superintendent's decision under Subsection (h) to the board of trustees. The student may not be returned to the regular classroom pending the appeal. The board shall, at the next scheduled meeting, review the notice provided under Article 15.27(g), Code of Criminal Procedure, and receive information from the student, the student's parent or guardian, and the superintendent or

<p>superintendent's designee and confirm or reverse the decision under Subsection (h). The board shall make a record of the proceedings. If the board confirms the decision of the superintendent or superintendent's designee, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner under Subsection (j).</p> <p>(j) Notwithstanding Section 7.057(e), the decision of the board of trustees under Subsection (i) may be appealed to the commissioner as provided by Sections 7.057(b), (c), (d), and (f). The student may not be returned to the regular classroom pending the appeal.</p> <p>(k) Subsections (h), (i), and (j) do not apply to placements made in accordance with Subsection (a).</p> <p>(l) Notwithstanding any other provision of this code, other than Section 37.007(e)(2), a student who is younger than six years of age may not be removed from class and placed in a disciplinary alternative education program.</p> <p>(m) Removal to a disciplinary alternative education program under Subsection (a) is not required if the student is expelled under Section 37.007 for the same conduct for which removal would be required.</p> <p>(n) A principal or other appropriate administrator may but is not required to remove a student to a disciplinary alternative education program for off-campus conduct for which removal is required under this section if the principal or other appropriate administrator does not have knowledge of the conduct before the first anniversary of the date the conduct occurred.</p> <p>(o) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a principal or a principal's designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.</p>	
<p>(5) (B) an expulsion under Section 37.007; Sec. 37.007. <u>EXPULSION FOR SERIOUS OFFENSES.</u> (a) Except as provided by Subsection (k), a student <u>shall be expelled</u> from a school if the student, on school property or while attending a school-</p>	

<p>sponsored or school-related activity on or off of school property:</p> <p>(1) uses, exhibits, or possesses:</p> <p>(A) a firearm as defined by Section 46.01(3), Penal Code;</p> <p>(B) an illegal knife as defined by Section 46.01(6), Penal Code, or by local policy;</p> <p>(C) a club as defined by Section 46.01(1), Penal Code; or</p> <p>(D) a weapon listed as a prohibited weapon under Section 46.05, Penal Code;</p> <p>(2) engages in conduct that contains the elements of the offense of:</p> <p>(A) aggravated assault under Section 22.02, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;</p> <p>(B) arson under Section 28.02, Penal Code;</p> <p>(C) murder under Section 19.02, Penal Code, capital murder under Section 19.03, Penal Code, or criminal attempt, under Section 15.01, Penal Code, to commit murder or capital murder;</p> <p>(D) indecency with a child under Section 21.11, Penal Code;</p> <p>(E) aggravated kidnapping under Section 20.04, Penal Code;</p> <p>(F) aggravated robbery under Section 29.03, Penal Code;</p> <p>(G) manslaughter under Section 19.04, Penal Code;</p> <p>(H) criminally negligent homicide under Section 19.05, Penal Code; or</p> <p>(I) continuous sexual abuse of young child or children under Section 21.02, Penal Code; or</p> <p>(3) engages in conduct specified by Section 37.006(a)(2)(C) or (D), if the conduct is punishable as a felony.</p> <p>(b) A student may be expelled if the student:</p> <p>(1) engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Section 42.06, Penal Code, or terroristic threat under Section 22.07, Penal Code;</p> <p>(2) while on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off of school property:</p> <p>(A) sells, gives, or delivers to another person or possesses, uses, or is under the influence of any amount of:</p> <p>(i) marihuana or a controlled substance, as defined by Chapter 481, Health</p>	
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<p>and Safety Code, or by 21 U.S.C. Section 801 et seq.;</p> <p style="padding-left: 40px;">(ii) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or</p> <p style="padding-left: 40px;">(iii) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code;</p> <p style="padding-left: 40px;">(B) engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Sections 485.031 through 485.034, Health and Safety Code;</p> <p style="padding-left: 40px;">(C) engages in conduct that contains the elements of an offense under Section 22.01(a)(1), Penal Code, against a school district employee or a volunteer as defined by Section 22.053; or</p> <p style="padding-left: 40px;">(D) engages in conduct that contains the elements of the offense of deadly conduct under Section 22.05, Penal Code;</p> <p style="padding-left: 40px;">(3) subject to Subsection (d), while within 300 feet of school property, as measured from any point on the school's real property boundary line:</p> <p style="padding-left: 80px;">(A) engages in conduct specified by Subsection (a); or</p> <p style="padding-left: 80px;">(B) possesses a firearm, as defined by 18 U.S.C. Section 921; or</p> <p style="padding-left: 40px;">(4) engages in conduct that contains the elements of any offense listed in Subsection (a)(2)(A) or (C) or the offense of aggravated robbery under Section 29.03, Penal Code, against another student, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.</p> <p style="padding-left: 40px;">(c) A student may be expelled if the student, while placed in an alternative education program for disciplinary reasons, continues to engage in serious or persistent misbehavior that violates the district's student code of conduct.</p> <p style="padding-left: 40px;">(d) A student shall be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (a), and may be expelled if the student engages in conduct that contains the elements of any offense listed in Subsection (b)(2)(C), against any employee or volunteer in retaliation for or as a result of the person's employment or association with a school district, without regard to whether the conduct occurs on or off of school property or while attending a school-sponsored or school-related activity on or off of school property.</p> <p style="padding-left: 40px;">(e) In accordance with 20 U.S.C. Section 7151, a local educational agency, including a school district, home-rule school district, or open-enrollment charter school, shall expel a student who brings a firearm, as defined by 18 U.S.C. Section 921, to school. The student must be expelled from the student's regular</p>	
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campus for a period of at least one year, except that:

(1) the superintendent or other chief administrative officer of the school district or of the other local educational agency, as defined by 20 U. S.C. Section 7801, may modify the length of the expulsion in the case of an individual student;

(2) the district or other local educational agency shall provide educational services to an expelled student in a disciplinary alternative education program as provided by Section 37.008 if the student is younger than 10 years of age on the date of expulsion; and

(3) the district or other local educational agency may provide educational services to an expelled student who is 10 years of age or older in a disciplinary alternative education program as provided in Section 37.008.

(f) A student who engages in conduct that contains the elements of the offense of criminal mischief under Section 28.03, Penal Code, may be expelled at the district's discretion if the conduct is punishable as a felony under that section. The student shall be referred to the authorized officer of the juvenile court regardless of whether the student is expelled.

(g) In addition to any notice required under Article 15.27, Code of Criminal Procedure, a school district shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in any violation listed in this section of the student's misconduct. Each educator shall keep the information received under this subsection confidential from any person not entitled to the information under this subsection, except that the educator may share the information with the student's parent or guardian as provided for by state or federal law. The State Board for Educator Certification may revoke or suspend the certification of an educator who intentionally violates this subsection.

(h) Subject to Subsection (e), notwithstanding any other provision of this section, a student who is younger than 10 years of age may not be expelled for engaging in conduct described by this section.

(i) A student who engages in conduct described by Subsection (a) may be expelled from school by the district in which the student attends school if the student engages in that conduct:

(1) on school property of another district in this state; or

(2) while attending a school-sponsored or school-related activity of a school in another district in this state.

(k) A student may not be expelled solely on the basis of the student's use, exhibition, or possession

<p>of a firearm that occurs:</p> <p>(1) at an approved target range facility that is not located on a school campus; and</p> <p>(2) while participating in or preparing for a school-sponsored shooting sports competition or a shooting sports educational activity that is sponsored or supported by the Parks and Wildlife Department or a shooting sports sanctioning organization working with the department.</p> <p>(l) Subsection (k) does not authorize a student to bring a firearm on school property to participate in or prepare for a school-sponsored shooting sports competition or a shooting sports educational activity described by that subsection.</p>	
<p>(6) <u>address the notification of a student's parent or guardian of a violation of the student code of conduct</u> committed by the student that results in suspension, removal to a disciplinary alternative education program, or expulsion;</p>	<p>Level I Offense: The teacher should discuss the misbehavior with the parent, an administrator, or support personnel</p> <p>Level II Offense: Written or oral notification of action is sent to parent. Notification is sent to the teacher indicating action taken.</p> <p><u>Level III & IV Offense: Administrator decides whether to suspend student or refer him or her to a DAEP.</u> Written notice of the offenses and the action taken are given to the parent and teacher. If the student is referred to a DAEP, the parent shall be given a letter stating the reasons for the removal and setting the term. The letter placing the student should state the term of placement in a specific number of days of successful attendance in the DAEP; The final day of placement <u>shall extend to</u> a natural transition point such as the end of a grading cycle, a semester, or the end of the school year.</p> <p>Level V Offense: If law enforcement is involved and the student is arrested, the parents should be notified within one hour. All expulsions must include an official police or law-enforcement investigation; however awaiting the results of the investigation is not necessary. The building administrator notifies the student and parents or guardians in writing of the reasons for the proposed expulsion and of the disciplinary response to the conduct.</p>
<p>(7) prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions; and</p>	<p>TEACHERS RESPONSIBILITIES: Establish classroom –management procedures that concentrate on good student conduct and support school and district policies and procedures.</p>
<p>(8) provide, as appropriate for students at each grade level, <u>methods, including options</u>, for:</p> <p>(A) managing students in the classroom and on school grounds;</p>	<p>Students are entitled to enjoy the basic rights of citizenship recognized and protected by law for persons of their age and maturity. Each student is expected to respect the rights and privileges of other students, teachers, district personnel, and parents while at school or while attending school activities. Students who violate the</p>

	rights of others or district or school rules shall be subject to disciplinary action in accordance with established district policies and procedures.
8. (B) disciplining students; and	
8. (C) preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists.	
<p>8. (C) (b) In this section:</p> <p>(1) "Harassment" means threatening to cause harm or bodily injury to another student, engaging in sexually intimidating conduct, causing physical damage to the property of another student, subjecting another student to physical confinement or restraint, or maliciously taking any action that substantially harms another student's physical or emotional health or safety.</p>	<p>The district encourages all students and staff members to foster a climate of mutual respect of other in order to enhance the district's educational purpose and the program designed to achieve that purpose. Each student is expected to respect the rights and privileges of other students, teachers, and district staff members. Students shall not engage in harassment motivated by race, color, religion, national origin, or disability and directed toward another student. A substantiated charge of harassment against a student shall result in disciplinary action.</p> <ol style="list-style-type: none"> 1. engaging in sexually in intimidating conduct, 2. causing physical damage to the property of another student, 3. subjecting another student to physical confinement or restraint, or <p>5. maliciously taking any action</p>
<p>8. (C) (b) (2) "Hit list" means a list of people targeted to be harmed, using:</p> <p>(A) a firearm, as defined by Section 46.01(3), Penal Code;</p> <p>(B) a knife, as defined by Section 46.01(7), Penal Code; or</p> <p>(C) any other object to be used with intent to cause bodily harm.</p>	
8. (C) (2) (b-1) The methods adopted under Subsection (a)(8) must provide that a student who is enrolled in a special education program under Subchapter A, Chapter 29, may not be disciplined for conduct prohibited in accordance with Subsection (a)(7) until an admission, review, and dismissal committee meeting has been held to review the conduct.	Students with disabilities are expected to exhibit appropriate conduct and may be subject to the requirements of the Code of Student Conduct. Nothing in the rules prevents district personnel from reporting a crime committed by a student with a disability, and nothing prevents the police from arresting and prosecuting a student with disabilities for commission of a criminal act. The ARD/IEP Committee of a student with disabilities may have developed a behavior intervention plan that must be followed in administering discipline in situations addressed by the behavior intervention plan. It may

	become necessary for the ARD/IEP Committee to determine whether the alleged conduct in question was related to the student's disability (manifestation determination).
(c) Once the student code of conduct is promulgated, any change or amendment must be approved by the board of trustees.	
(d) Each school year, a school district shall provide parents notice of and information regarding the student code of conduct.	
(e) Except as provided by Section 37.007(e), this subchapter does not require the student code of conduct to specify a minimum term of a removal under Section 37.006 or an expulsion under Section 37.007.	

Table 4.1: District Code of Conduct: Level 1 to Level V.

District General Discipline Guidelines:		
Guideline 1	Guideline 2	Guideline 3
Discipline shall be administered when necessary to protect students, school employees, or property and to maintain essential order and discipline.	Students shall be treated fairly and equitably. Discipline shall be based on a careful assessment of the circumstances of each case. Administrators should use caution and should ordinarily consider <u>developmentally appropriate interventions for very young children</u> who engage in misconduct. Factors that must be considered in each decision concerning suspension, removal to a disciplinary	Serious offenses are those that substantially disrupt or materially interfere with the orderly process in the classroom, HISD transportation, the school, or any school-related activity and may include persistent misbehavior or Level II or higher misconduct. Persistent shall be defined as more than one instance of Level II or higher misconduct. An administrator

	alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action...	may find, on the basis of the facts and circumstances of the case, that a Level III offense constitutes a serious offense. Finally, a finding that a student has engaged in any offense listed as an offense under Level IV or Level V constitutes a finding that the student has engaged in serious misbehavior.

2009-2010 Code of Student Conduct, 2011, District.

Table 4.1: Code of Student Conduct: Level 1 to Level V. **District Level of Misconduct and Examples**

Level/Services	Description	Examples
Level I: Violation of Classroom or Transportation Rule	Each teacher or staff member establishes the rules for the classroom and for school-related activities. <u>Much behavior can be managed by the classroom teacher.</u>	<ul style="list-style-type: none"> • Violations of rules or procedures established by the teacher • Refusal to participate in classroom activities • Unexcused tardiness to class • Failure to bring required classroom materials or assigned work to class • General misbehavior, such as eating in class, horseplay, making excessive noise, or violating campus dress codes • Any other act that disrupts the classroom or interrupts the operation of the class

<p>Level II: Administrator Intervention</p>	<p>Some infractions will result in a referral to an administrator. The disciplinary <u>response depends on the offense, previous actions, and the seriousness of the misbehavior</u>. Level II acts of misconduct include those student acts that <u>interfere with the orderly educational process in the classroom or in the school</u>. A teacher who observes a student engaged in Level II or higher misconduct will fill out a discipline/referral form for the principal or other appropriate administrator. The <u>principal will forward an oral or written report to the parents</u>.</p>	<ul style="list-style-type: none"> • Repeated violation of classroom or transportation rules under Level I • Cheating, plagiarism, or copying the work of other students • Leaving the classroom or school grounds without the permission of school personnel • Cutting class or skipping school • Possession of matches or other flammable materials
<p>Level III: Suspension or Optional Removal to a Disciplinary Alternative Education Program</p>	<p>Level III acts <u>include misconduct for which an administrator may suspend the student, place the student into in-school suspension, or, if the administrator finds the Level III misconduct to be serious or persistent as defined in this Code</u>, refer the student to a district level <u>Disciplinary Alternative Education Program (DAEP)</u>. The principal or other appropriate administrator makes the disciplinary determination on the basis of the severity of the misconduct.</p>	<ul style="list-style-type: none"> • Chronic or repeated disciplinary infractions of Level I and/or Level II offenses • <u>Fighting</u> • Gambling • Misdemeanor stealing/theft of property, including computers and related equipment, in an amount under \$750 • Chronic cutting class or skipping school. Students who are determined to be <u>truant</u> <u>shall be promptly referred to the attendance officer</u> for referral to the courts for enforcement of the compulsory attendance laws. • Possession of a knife
<p>Level IV: Required Removal to a Disciplinary Alternative Education Program</p>	<p>A student <u>shall be removed from the classroom and placed in or referred to a DAEP</u> by the campus administrator when the student engages in any conduct listed under Level IV of the <i>Code of Student Conduct</i>. <u>Placements may not generally exceed one year</u>, unless after review it is determined that the student is a threat to the safety of other students or a threat to district employees and it is determined that placement is in the best interest of the student.</p>	<p>– Engaging in any conduct punishable as a <u>felony</u> on campus, at a school-related function or activity, or within 300 feet of the school property line</p> <ul style="list-style-type: none"> • Engaging in <u>assault</u>, which is defined as intentionally, knowingly, or recklessly causing bodily injury to another and which may include causing bodily injury by recklessly or intentionally pointing a laser pointer or laser pen at another student or a staff member (Section 22.01(a)(1) and Section 1.07(a)(8), Penal Code) • Selling, giving, delivering to another person, possessing, using, or being under the influence of marijuana, a <u>controlled drug, or other controlled substances</u> (Chapter 481, Health and Safety Code, or 21 U.S.C. Section 801 et seq.), unless punishable as a felony • Selling, giving, delivering to another person, possessing, using, or being under the influence of a <u>dangerous drug</u> (Chapter

		483, Health and Safety Code), unless punishable as a felony <ul style="list-style-type: none"> • Possessing, using, or being under the influence of alcohol • Selling, giving, or delivering an alcoholic beverage to another person
Level V: Expulsion for Serious Offenses	Level V acts of misconduct include serious misbehavior and/or illegal acts that threaten to impair the educational efficiency of the school and/or that most seriously disrupt the orderly educational process in the classroom and/or the school. Under state law, students may be expelled for any violation listed under this section. Expulsion may occur if the Level V act of misbehavior occurs on school property or at a school-sponsored or school-related activity on or off of school property.	(1) Selling, giving, delivering to another person, possessing, using, or being under the influence of marijuana, a controlled drug, or other controlled substances (Chapter 481, Health and Safety Code, or 21 U.S.C. Section 801 et seq.) (2) Selling, giving, delivering to another person, possessing, using, or being under the influence of a dangerous drug (Chapter 483, Health and Safety Code) (3) Selling, giving, delivering to another person, possessing, using, or being under the influence of an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code (4) Engaging in conduct that contains the elements of an offense relating to an abusable volatile chemical or possession of inhalant paraphernalia (Sections 485.031 through 485.034, Health and Safety Code) (5) Possessing a knife, which includes razor blades, utility knives, X-ACTO knives, or other objects that are designed to cut and that are reasonably determined under the circumstances to have been possessed by the student for use as a weapon

2009-2010 Code of Student Conduct, 2011, District.

Table 4.1: Code of Student Conduct: Level 1 to Level V. Other **District Level of Misconduct and Examples**

Other reasons	Description	Examples
Zero Tolerance: Zero Tolerance/Pursuit of Criminal Charges	The school environment should be safe for all students and free of disruptions that interfere with the educational process. In response to this belief, the board has developed a policy of zero tolerance. This policy shall apply to elementary-, middle-, and high-school students.	In cases where students in elementary, middle, or high school engage in conduct that contains the elements of an offense in violation of the Penal Code or the Education Code, the school district will pursue arrest, charges, and removal to a DAEP, juvenile detention facility, or county jail.
Reports to Local Law Enforcement	The principal has an obligation under the law to notify the district's Police Department and	On or off campus violation that warrants law enforcement:

	the local police department if the principal has reasonable grounds to believe that a student has engaged in any criminal offense in school, on school property, or at a school-sponsored or school-related activity on or off school property.	Fighting, weapons, drugs, vandalism or theft.
Court Involvement	If a student is found to have committed an offense under Level IV or V of this <i>Code</i> and the student is placed in a DAEP, within two business days, the principal must send a copy of the order placing the student in a DAEP to the administrator in charge of the DAEP, who shall notify the county juvenile authorities . The county may decide whether the student is in need of supervision, whether the student has engaged in delinquent conduct, or whether the student should be referred to an appropriate state agency.	Students who commit felonies away from school may be ordered by the Juvenile Court to attend school at the County Juvenile Justice Alternative Education Program.
Emergency Placement in a Disciplinary Alternative Education Program (DAEP), Suspension, or Immediate Expulsion	A principal or a principal's designee may order the immediate placement of a student in a DAEP when it is determined the student's behavior is so unruly, disruptive, or abusive.	<ul style="list-style-type: none"> • seriously interferes with a teacher's ability to communicate effectively with the students in a class • seriously interferes with the ability of the student's classmates to learn • seriously interferes with the operation of school or a school-sponsored activity.
Procedures for Continuation of DAEP Placement After Receipt of Notice Under Article 15.27(g)	The principal shall review the placement of a student in a Disciplinary Alternative Education Program (DAEP) upon receipt of notice under Article 1527(g), Code of Criminal Procedure	<p>(1) The prosecution of the case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or</p> <p>(2) The court or jury found the student not guilty or made a finding that the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.</p>

2009-2010 Code of Student Conduct, 2011, District.

Table 4.2: Parent Survey

Parent Survey Questions

PARENT/GAURDIAN No: _____

ETHNICITY: _____

1. **To your knowledge, which of the following services were your child provided with at their home school before being initially referred to a DAEP:**
 - My child's teacher provided several interventions to help with my child's behavior problems before the referral to the DAEP.

- My child's home school counselor provided information on parent organizations, community agencies, or trainings related to the needs of my child.
- My child's school administrator provided information on parent organizations, community agencies, or trainings related to the needs of my child.
- Teachers and administrators understood my child's academic needs.
- Teachers and administrators understood my child's behavior problems.
- My child's teacher met with me to discuss my child's behavioral problems before referring my child to the DAEP.
- The school administrator met with me before referring my child to the DAEP.
- My child was referred to the judiciary system (ex. court, jail, or probation officer) before the initial referral to the DAEP.
- Sending my child to the DAEP was a fair decision

2. Identify the following statements that apply to the educational services that were given to the child while enrolled in the DAEP.

- My child improved in academic standing while attending the DAEP.
- My child was academically challenged at the DAEP.
- The DAEP offered physical education.
- The DAEP offered art.
- The DAEP offered music.
- List other services provided: _____

3. Please check the following statements that apply to the independent services that your child may/may not have received while enrolled in the DAEP.

- My child received one-on-one tutoring in the DAEP.
- My child learned positive behavior strategies/counseling in the DAEP.
- My child received services from an outside counseling group while in the DAEP.
- The home school counselor followed up with my child while he/she was enrolled in the DAEP.

4. Please check the following statements that apply: While my child was enrolled in the DAEP, as a parent, I received the following services.

- I was periodically invited to come visit the school and my child.
- I was invited to meetings with other parents to discuss how to help to improve my child's behavior, grades, or parenting skills.
- A DAEP counselor periodically contacted me to provide advice on how to help change my child's behavior and/or how to improve my child's academic achievement.

5. How much do you agree or disagree with the following statements about your child's attitude toward school and the consequences for their action(s): 1= Strongly Agree, 2= Unsure, 3= Sometimes, 4= Strongly Disagree

	1	2	3	4
Before being sent to the DAEP, my child felt that his/her teacher cared about him/her.				
My child enjoyed going to his/her home school daily.				
My child's teacher was very concerned and helpful with the academic development of my child.				

6. How much do you agree with the following statements about the effectiveness of the DAEP program. 1= Strongly Agree, 2= Unsure, 3= Sometimes, 4= Strongly Disagree

	1	2	3	4
While attending the DAEP, my child believed the teachers cared about him/her.				
While attending the DAEP my child made a positive change in their academic achievement.				
While attending the DAEP, my child received counseling services that really helped.				
The teachers at the DAEP always informed me of my child's progress or regression.				
Getting in contact with my child's teacher(s) at the DAEP was easy.				
Getting in contact with administrators at the DAEP was easy.				

Additional comments:

FAMILY DEMOGRAPHIC QUESTIONS

1. What is the highest level of education completed by the guardian(s) and who was the guardian at the time of the initial referral.

- ☐ Some high school
 - ☐ GED
 - ☐ High School Graduate
 - ☐ Some College
 - ☐ College Graduate
- 2. During the initial placement, how many hours did you work per week?
 - ☐ None
 - ☐ Part-Time
 - ☐ Full Time
 - ☐ Two or more jobs
 - ☐ Disabled
 - ☐ Retired
- 3. During the initial placement, what was the family's income level?
 - ☐ \$0-\$20,000
 - ☐ \$20,000-\$40,000
 - ☐ \$40,000-\$60,000
 - ☐ \$60,000-\$80,000
 - ☐ \$80,000- Above
- 4. Your child attended their home school because: (Check all that apply)
 - ☐ We were zoned to that school
 - ☐ We lived with relatives
 - ☐ It was closer to my place of employment
 - ☐ It was only suppose to be temporary
- 5. On average, what is the best estimate of the number of minutes each day that your child spends reading to himself/herself?
 - ☐ 0-20
 - ☐ 20-40
 - ☐ 40-60
 - ☐ 60+
- 6. On average, what is the best estimate of the number of minutes each day that you and your child read together or review homework?
 - ☐ 0-20
 - ☐ 20-40
 - ☐ 40-60
 - ☐ 60+
- 7. Since my child's initial placement and dismissal from the elementary DAEP, he/she has returned to another DAEP
 - ☐ None
 - ☐ 1 time
 - ☐ 2 times

- ☐ 3 or more times
- 8. Since my child's initial placement and dismissal from the elementary DAEP, he/she has been retained how many times
 - ☐ Never
 - ☐ 1 time
 - ☐ 2 times
 - ☐ 3 or more times
- 9. Since my child's initial placement and dismissal from the elementary DAEP, he/she has _____ been incarcerated
 - ☐ Never
 - ☐ At least once
 - ☐ More than once
 - ☐ Is currently
- 10. To your knowledge, after high school your child will more than likely
 - ☐ Attend college
 - ☐ Learn a trade
 - ☐ Severe in a branch of the military
 - ☐ Unsure