

- SUBJECT:** Requirements for alternative education programs
- COMMITTEE:** Juvenile Justice and Family Issues — favorable, without amendment
- VOTE:** 5 ayes — Dutton, Bolton, Farrar, Gonzalez Toureilles, Hernandez
0 nays
4 absent — Eiland, Farias, Strama, Vaught
- WITNESSES:** For — (*Registered, but did not testify:* David Reynolds, Texas Medical Association; Amy Tripp, Texans Care for Children; Lynn White, Texas Appleseed)
Against — None
- BACKGROUND:** A disciplinary alternative education program (DAEP) is an alternative education environment run by school districts for students who commit specific disciplinary or criminal offenses.
- Education Code, sec. 37.008(a) requires each school district to provide a disciplinary alternative education program that:
- is provided outside the student’s regular classroom located on or off of a regular school campus;
 - separates students who are assigned to the DAEP from other students;
 - focuses on English-language arts, mathematics, science, history, and self-discipline;
 - provides for students’ educational and behavioral needs; and
 - provides supervision and counseling.
- In addition, a person who teaches in an off-campus DAEP must meet all certification requirements established for teachers by the State Board for Educator Certification. A teacher in any kind of DAEP setting who was employed during the 2003-04 school year or earlier must have met all certification requirements by the beginning of the 2005-06 school year.

A juvenile justice alternative education program (JJAEP) is a day program that serves students expelled from school for serious offenses. JJAEPs are run by 26 Texas counties under the Texas Juvenile Probation Commission. A student also can be sent to a JJAEP by an order of the juvenile court.

Among other requirements, Education Code, sec. 37.011(d) requires a JJAEP to:

- focus on English language arts, mathematics, science, social studies and self-discipline;
- administer assessment tests;
- offer a high school equivalency program; and
- regularly review a student's progress.

DIGEST:

HB 1043 would amend Education Code, sec. 37.008(a) to require a DAEP, beginning in the 2007-08 school year, to offer a course in behavioral modification and employ only teachers who meet all certification requirements established by the State Board for Educator Certification.

The bill also would amend Education Code, sec. 37.011(d) to require a JJAEP, beginning in the 2007-08 school year, to offer a course in behavioral modification.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 1043 would help assure that students in all DAEP settings received high-quality instruction by requiring their teachers to be properly certified. The number of DAEP placements has increased significantly in recent years, and the DAEP student drop out-rate is more than twice the rate for all students. In addition, many DAEP students exhibit poor academic performance coupled with difficult behavior. As a result, it is important to assure that teachers are adequately prepared and qualified to handle the increase of students sent to DAEPs and to address underperformance in the program. Starting in the 2005-06 school year, all teachers in all DAEP settings were required to meet all State Board of Educator Certification standards. This bill simply would update the Education Code to clarify that fact.

HB 1043 would provide a consistent approach for improving student behavior issues at all DAEPs and JJAEPs. Current law requires DAEPs to provide counseling for a student's "educational and behavioral needs," but this language is vague. Students who enter DAEPs and JJAEPs have behavioral problems by definition, and this bill would address a critical for the provision of behavioral modification courses at all alternative education programs.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

Several related bills are pending in the House Public Education Committee. HB 426 by Madden would direct TEA to set minimum standards for the operation of DAEPs. HB 494 by Madden would assess students' academic progress by testing them upon entering and leaving a DAEP, and HB 2835 by Strama would make changes throughout Education Code, ch. 37 related to public school discipline and security.