

- SUBJECT:** Applying Education Code to disciplinary alternative education programs
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 5 ayes — Eissler, Hochberg, Mowery, Olivo, Patrick
0 nays
4 absent — Zedler, Branch, Delisi, Dutton
- WITNESSES:** For — Dwight Harris, TFT; Lonnie Hollingsworth, Texas Classroom Teachers Association; (*Registered, but did not testify:* Elena Lincoln, Association of Texas Professional Educators-ATPE)
Against — None
- BACKGROUND:** Education Code, sec. 37.008 provides that each school district must establish a disciplinary alternative education program (DAEP) that:
- places the student in a setting other than the student’s regular classroom;
 - is located on or off of a regular school campus;
 - provides for students who are assigned to the DAEP to be separated from students are not part of the program;
 - focuses on English language arts, mathematics, science history, and self-discipline;
 - provides for students’ educational and behavioral needs;
 - provides supervision and counseling; and
 - requires that teachers at a DAEP meet all state teaching certification requirements.
- Under this subsection, teachers hired by a school district before 2003, were required to meet all state teaching certification requirements by the 2005-2006 school year.
- Under sec. 37.008(c), an off-campus DAEP is not subject to the requirements of Title II of the Education Code, which governs the public education system, other than a limitation on liability, a reporting

requirement, or a requirement imposed by Education Code chapters that govern health and safety and the public school accountability system.

Students assigned to DAEPs historically have faced a lack of resources, including instructional materials and certified teachers, and sometimes have over-crowded classrooms. DAEPs are required only to provide students with two hours of daily instruction, as opposed to a regular school day of seven hours of instruction. Students participating in DAEPs are often two and three grade levels behind.

DIGEST:

HB 1675 would amend Education Code, sec. 37.008(c) to require off-campus disciplinary alternative education programs (DAEPs), including a DAEP located at a school-community guidance center or a community-based alternative school, to be subject to the same standards and requirements to which all other public schools are subject under Title II of the Education Code.

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.