

SUBJECT: Requiring TEA to establish minimum standards for DAEPs

COMMITTEE: Public Education — committee substitute recommended

VOTE: 5 ayes — Eissler, Hochberg, Mowery, Olivo, Patrick
0 nays
4 absent — Zedler, Branch, Delisi, Dutton

WITNESSES: For — Marc Levin, Texas Public Policy Foundation Center for Effective Justice; Elena Lincoln, Association of Texas Professional Educators; *(Registered, but did not testify:* Ellen Arnold, TX PTA; Portia Bosse, Texas State Teachers Assn; Deborah Fowler, Texas Appleseed; Benny Hernandez, American Civil Liberties Union of Texas; Lonnie Hollingsworth, Texas Classroom Teachers Association; Kay Lambert, Advocacy, Inc.; Ruby Ramos, Texans Care for Children; Kristen Slaughter, Texas Parent Teacher Association (TX PTA); Mike Griffiths; Randy Turner)

Against — None

BACKGROUND: Under Education Code, sec. 37.008, each school district is required to provide a disciplinary alternative education program (DAEP). These are out-of-classroom placements of students who have committed serious off-campus offenses that are not school-related, those who commit violations of the student code of conduct, and those who commit certain other misdemeanor offenses on campus. Some DAEPs are on regular campuses and some are off campus. Placements in DAEPs are required by Education Code, sec. 37.006 for some students or can be at the discretion of the school district according to the local student code of conduct.

Sec. 37.008 outlines requirements for DAEPs, including: focusing on English language arts, mathematics, science, history, and self-discipline; providing for students' educational and behavioral needs; and providing for supervision and counseling.

DIGEST: CSHB 426 would require the Texas Education Agency to adopt minimum standards for disciplinary alternative education programs.

The standards would have to include:

- student/teacher ratios;
- student health and safety;
- reporting of student abuse, neglect, or exploitation;
- teacher training in behavior management and safety procedures; and
- planning for a student's transition from a DAEP to a regular campus.

These standards would apply beginning with the 2007-2008 school year.

TEA would have to report to the Legislature by December 15, 2008, on the estimated costs of enforcing the standards, including the cost of on-site monitoring to enforce the standards, and alternative methods of compliance with the standards.

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:**

CSHB 426 is necessary to impose some minimum standards on the operation of Disciplinary Alternative Education Programs. The current variation in the offerings of DAEPs demonstrates that the broad requirements in current law are not enough to ensure a quality education for students in these programs.

The minimal requirements in current law have resulted in a wide variety of educational services in DAEPs, with some districts providing little in terms of education services while still drawing down education dollars for the students. For example, in some DAEPs all elementary grade students may be in the same classroom. Also, some DAEPs provide small student-to-teacher ratios while others have much larger ones. This is unacceptable given that children in DAEPs are some of those most in need of quality education. One study reported that the DAEP student drop-out rate was more than twice the statewide rate and that only 41 percent of DAEP students passed the math portion of the TAKS test.

CSHB 426 would address this problem by requiring the education commissioner to set specific minimum standards for DAEPs, including standards for student-teacher ratios and student health and safety.

Establishing some uniformity and minimum standards would help ensure that the education provided to students was of a minimum quality. School districts would benefit because they would know exactly what was expected of them. The state sets minimum requirements for the operation of regular schools and the Texas Juvenile Probation Commission establishes standards for Juvenile Justice Alternative Education Programs, so it is only logical and fair that TEA should set requirements for DAEPs.

OPPONENTS
SAY:

CSHB 426 could result in inflexible standards that do not take into account the unique, local issues surrounding providing educational services to students in DAEPs.

NOTES:

The committee substitute added the requirement that the TEA study include the estimated cost of alternative methods of monitoring compliance with the standards.