

Table of Contents

Key Points of Report

Executive Summary	1
--------------------------------	---

Section 1:

The Safe Schools Act, as Implemented, Does Not Guarantee Removal of Violent Students	5
---------------------------------------------------------------------------------------------------	---

Some School Officials Do Not Follow Expulsion and Removal Requirements.....	5
-----------------------------------------------------------------------------	---

Not All Off-Campus Offenses Result in Removal From Regular School.....	9
------------------------------------------------------------------------	---

Section 2:

Data Is Insufficient to Show If Alternative Education Works	11
--------------------------------------------------------------------------	----

Current Indicators Are Insufficient to Measure Progress and to Gauge Long-Term Effects.....	12
---------------------------------------------------------------------------------------------	----

Preliminary Safe Schools Data Is Incomplete and Inaccurate.....	16
-----------------------------------------------------------------	----

Section 3:

Students At Risk of Dropping Out of School Are Disproportionately Placed in Alternative Education Programs	18
-------------------------------------------------------------------------------------------------------------------------	----

Section 4:

Oversight Agencies Need to Work More on Improving Alternative Education Programs	21
-----------------------------------------------------------------------------------------------	----

Some Districts Are Receiving Funding for Ineligible Students.....	22
-------------------------------------------------------------------	----

Some Programs Have Problems Gaining Access to Student Records.....	23
--------------------------------------------------------------------	----

Monitoring Efforts Are Not the Result of Risk Analysis.....	24
-------------------------------------------------------------	----

Data on Cost of Operating Programs Is Inadequate.....	26
-------------------------------------------------------	----

Issues for Further Study	28
---------------------------------------	----

Table of Contents, concluded

Appendices

1 - Objectives, Scope, and Methodology	29
2 - Alternative Education Program Requirements and Operations	31
3 - Funding for JJAEPs	36
4 - Grade Levels of Students in Alternative Education Programs, 1997-1998 School Year	37
5 - Students Eligible for Special Education Services Who Were in Alternative Education Programs, 1997-1998 School Year	38
6 - Ethnicity of Students Incurring a Disciplinary Action - Largest Counties, 1997-1998 School Year	39
7 - Reasons Students Were Placed in Disciplinary Settings, 1997-1998 School Year	40
8 - Enrollment and Length of Stay in Alternative Education Programs, 1997-1998 School Year	41
9 - Definition of At-Risk Students	42

Key Points of Report

A Report on Safe Schools Programs

August 1999

Overall Conclusion

As implemented, the programs designed to make Texas public schools safe do not guarantee that violent students are removed and educated. The Safe Schools Act (Act), which created juvenile justice and disciplinary alternative education programs (JJAEPs and DAEPs), was passed to remove disruptive and violent students from public classrooms and to ensure that they are educated.

Key Facts and Findings

- School officials do not consistently remove violent students to alternative education programs as the Act requires. For example, at least 850 incidents during the 1997-1998 school year did not result in expulsions to JJAEPs. These 850 on-campus incidents included 255 incidents with illegal knives, 218 with weapons (which may include weapons such as explosives, machine guns, and brass knuckles), 196 incidents of aggravated assault, and 74 incidents with firearms.
- The academic progress of many students in alternative education programs is not measured. Because of insufficient data, we do not know if students in alternative education programs continue to learn or improve their behavior.
- Special education, minority, poor, and at-risk students are disproportionately represented in alternative education programs. The percentage of students in DAEPs eligible to receive special education services was twice that of regular Texas schools. Also, 66 percent of DAEP students were minorities, 55 percent were economically disadvantaged, and 60 percent were at risk of dropping out of school.
- Some school districts that expelled students to JJAEPs continued to report them as eligible for Foundation School Program funding, although state law says they were ineligible. As a result, districts could owe the State \$1.4 million in reimbursements.

Contact

Susan A. Riley, CPA, Audit Manager, (512) 479-4700

Office of the State Auditor

Lawrence F. Alwin, CPA



This audit was conducted in accordance with Government Code, Sections 321.0132 and 321.0133.

Executive Summary

The Safe Schools Act (Act), which was designed to make Texas public schools safe from violent students, has been implemented in a way that does not guarantee that violent students are removed from regular classrooms and educated. The Act created juvenile justice and disciplinary alternative education programs (JJAEPs and DAEPs) so that disruptive and expelled students could continue education away from regular classrooms. Of the 3.9 million students in Texas public schools, about 4,000 attended JJAEPs, and 59,000 attended DAEPs during the 1997-1998 school year.

Texas' 22 largest counties must operate JJAEPs. All of Texas' 1,061 school districts are required to provide DAEPs either on or off campus. While these programs are subject to local control, the two state agencies that oversee them can improve counties' and school districts' accountability for appropriate removal and education of disruptive and violent students. The Juvenile Probation Commission (Commission) is responsible for overseeing JJAEPs, and the Texas Education Agency (TEA) is responsible for overseeing DAEPs. These two agencies should ensure that school officials are educated on the Safe Schools Act and that they measure students' academic progress.

To develop some key facts and findings for this report, we used preliminary, first-year data that TEA collected from all school districts on all disciplinary incidents. Because the Safe Schools data contained some errors and included incidents committed by only 80 percent of Texas students, we recognize that some numbers may later be revised upward or downward. However, because other evidence corroborates our findings, revisions to the preliminary Safe Schools data will not alter our findings or recommendations.

The Safe Schools Act, as Implemented, Does Not Guarantee the Removal of Violent Students

School officials do not consistently remove violent students to alternative education programs as the Act requires. For example, TEA preliminary data indicates that at least 850 incidents during the 1997-1998 school year did not result in expulsions to JJAEPs, although the related offenses warranted expulsion. These on-campus incidents were of a serious nature and included:

- 255 incidents with illegal knives
- 218 incidents with weapons (these could include weapons such as explosives, machine guns, or brass knuckles)
- 196 incidents of aggravated assault
- 74 incidents with firearms

Data Is Insufficient to Show If Alternative Education Works

The academic progress of many students in alternative education programs is not measured. As a result, we could not determine if alternative education programs are accomplishing their mission of helping students perform at grade level.

Students in DAEPs are not required to take an assessment test other than the Texas Assessment of Academic Skills (TAAS). A large percentage of students in DAEPs are in the ninth grade. As prescribed for all students by state law, this test is administered in only the third through eighth grades and the tenth grade. Therefore, the TAAS test alone is insufficient to demonstrate whether all DAEP students are making academic progress.

The Commission has limited data that shows that JJAEP students are improving their

Executive Summary

reading and math skills. Students who tested below their grade levels on an entry test improved scores an average of one grade level in reading and three-fourths of a grade level in math. However, test scores for 64 percent of JJAEP students who should have been tested were unavailable.

Students at Risk of Dropping Out Are Disproportionately Placed in Alternative Education Programs

When compared to regular classrooms, TEA data identifies a higher percentage of students in alternative education programs who are special education, minority, economically disadvantaged, or at-risk. The percentage of students in DAEPs eligible to receive special education services was twice the percentage in Texas' regular classrooms. Also, 66 percent of students in DAEPs were minorities, 55 percent were economically disadvantaged, and 60 percent were at risk of dropping out of school.

Inappropriate placements in alternative education programs--especially if academic progress cannot be demonstrated--increase the risk of charges of discrimination, inequity, and civil rights violations.

Oversight Agencies Need to Work More On Improving Alternative Education Programs

TEA and the Commission have generally ensured creation of alternative education programs. However, the agencies must ensure appropriate funding for and compliance with alternative education program requirements. To do this, the agencies should:

- Implement procedures to detect when school districts report JJAEP student attendance improperly. As a result of such misreporting during the 1997-1998

school year, districts owe about \$1.4 million in reimbursements to TEA.

- Improve accountability through risk-based program evaluations.
- Obtain consistent cost data needed to determine adequate funding levels.

Texas Education Agency's Summary Response

The Texas Education Agency (the Agency) generally concurs with the recommendations of the Report on Safe Schools Programs. The Agency worked closely with the Office of the State Auditor as these recommendations were developed and is prepared to begin the implementation of each during the 1999-2000 school year. Further, the Agency is committed to both the letter and spirit of the Safe Schools Act. Fair enforcement of school behavioral standards is only the most immediate step in a long-range strategy for safe schools. It is also critical, for the good of all, that students removed or expelled are prepared to succeed upon return to the regular classroom. There can be no doubt, moreover, that partnerships with juvenile boards, law enforcement officials, and interested community organizations must be integral to these efforts.

Although the report contains many specific findings, most are linked to two major policy recommendations. First, the report recommends that the Agency initiate performance evaluations of disciplinary alternative education programs (DAEPs). Second, it recommends a risk-based monitoring system aimed at promoting fair and consistent treatment of students with behavioral problems. These recommendations are aligned with action steps taken by the Agency over the past two years. Perhaps most importantly, the Public Education Information Management System (PEIMS) schedule was significantly accelerated in order to capture the unique data necessary for the accountability initiatives envisioned. Having laid the

Executive Summary

groundwork, the Agency will move forward expeditiously to accomplish full implementation of these recommendations.

Finally, the context of the report's findings deserves mention. We should be mindful of the extraordinary, and often competing, demands on our public schools today. Even more, it should be remembered that students, parents, teachers and administrators in Texas are rising to these challenges. Texas schools are showing unprecedented and broad-based gains in student achievement. Students who are not engaged in the learning process are far more likely to disrupt that process for other students. There is every reason to believe that the progress we are witnessing will, as a collateral benefit, prove the best insurance for safe and harmonious schools.

Juvenile Probation Commission's Summary Response

The Texas Juvenile Probation Commission (TJPC) agrees with the recommendations in the "Report on the Safe schools program". TJPC appreciates the recommendations made by the auditor's office in this report and is committed to assisting school districts and local juvenile authorities in developing safe schools and implementing solid programs. Juvenile Justice Alternative Education Programs (JJAEPs) have been evolutionary programs. Local communities have made great strides in working together to implement safe schools legislation. TJPC has accomplished a great deal in the short time since the inception of JJAEPs:

- training and technical assistance to counties and school districts to create and implement programs;*
- developed minimum program and accountability standards;*
- collection of program data; and*

- implemented process of distributing funds for the reimbursement of juvenile boards for the cost of educating JJAEP students required to be expelled from schools.*

During their short existence, JJAEPs have shown an increase in student performance in the areas of reading and math. Overall, TJPC believes JJAEPs serve an important role in assuring that students who in the past were expelled with no educational services now receive an education. The programs also address inappropriate student behavior and help assure the safety of Texas schools.

TJPC believes to further the success of the Safe Schools Act and JJAEPs that collaboration be broadened between juvenile boards, school districts, law enforcement, mental health authorities, and other providers of services to children to assure all aspects of student needs are adequately addressed. TJPC will continue to provide support to JJAEPs and local communities on the implementation and development of JJAEPs and safe schools.

Summary of Objective, Scope, and Methodology

The State Auditor's Office simultaneously conducted reviews of two education programs for students with discipline problems: JJAEPs and DAEPs. Our audit objective was to evaluate compliance with the Safe Schools Act, including how students are expelled or removed to alternative education programs. We also identified program requirements for DAEPs and JJAEPs and analyzed student participation data for these programs.

This page intentionally left blank.

Section 1:

The Safe Schools Act, as Implemented, Does Not Guarantee Removal of Violent Students

Safe Schools Programs

In 1995, the 74th Legislature enacted the Safe Schools Act, which created programs designed to serve students who commit certain offenses. These programs are:

JJAEPs - Juvenile Justice Alternative Education Programs serve expelled students who commit serious or violent offenses in the 22 largest counties. Prior to the 76th legislative session, county juvenile boards in counties with a population of over 125,000 were required to operate a JJAEP. In 1999, this was expanded to allow counties with populations as low as 72,000 to operate a JJAEP. Juvenile boards must enter into a memorandum of understanding that details the operation of the JJAEP with each school district in the county. The Juvenile Probation Commission oversees JJAEPs.

DAEPs - Disciplinary Alternative Education Programs serve students in all school districts who are removed from their regular classroom due to disruptive behavior or for committing felonies off campus. DAEPs may be located either on or off campus. TEA oversees DAEPs.

Note: The Safe Schools Act also allows school officials to expel students for reasons in the local student code of conduct. Students expelled as a result of local policy instead of state law can be served in a DAEP or JJAEP, depending on the

As implemented, the programs designed to make schools safe do not guarantee that violent students are removed and educated. The Safe Schools Act (Act),¹ which created JJAEPs and DAEPs, was passed to remove disruptive and violent students from the classroom and to ensure that these students are educated. However, some school officials base their expulsion or removal decisions on local criteria that differ from the Act's requirements, while others may be unaware of requirements. As a result, some students who commit serious and violent offenses remain in regular classrooms.

Of the 3.9 million students in Texas public schools, about 4,000 attended JJAEPs and 59,000 attended DAEPs during the 1997-1998 school year. TEA data on JJAEPs showed that the majority of students were expelled to JJAEPs because of serious and persistent misconduct in a DAEP. The reason most commonly cited in TEA data for students' placement in DAEPs was "teacher removal due to disruptive behavior." (See Appendix 7 for placement reasons.)

Section 1-A:

Some School Officials Do Not Follow Expulsion and Removal Requirements

The Safe Schools Act requires expulsion of students who commit certain felony offenses on campus. However, school officials use broad disciplinary authority to decide when to expel and remove students. Moreover, some school

officials may not have received adequate training on the Act's requirements and may need additional help to implement the complex law.

¹ The Act is codified in Chapter 37 of the Education Code. Chapter 37 requires that districts provide alternative education programs (AEPs) for students with disciplinary problems. To avoid confusion with non-disciplinary AEPs, such as those for dropout recovery, pregnant and parenting students, and students in at-risk situations, we refer to Chapter 37 AEPs as DAEPs.

**Eligibility Requirements
for JJAEP Funding**

- The student must have been expelled by the school district for a "mandatory" offense.
- The school district must have filed an offense report on the alleged incident.
- A law enforcement entity must have made a formal referral of the case to a court.

Participation in JJAEPs was lower than anticipated, in part, because some school officials did not expel students as required. The Commission spent only 43 percent of its \$10 million JJAEP appropriation for fiscal year 1998 because student participation in the program was low. (See Appendix 3 for JJAEP funding levels.)

The Safe Schools Act requires expulsion of students who commit certain on-campus offenses such as aggravated assault, arson, or possession of a firearm. Placement in JJAEPs depends heavily on school officials taking appropriate action, including expelling the student and filing an offense report with law enforcement. While the Commission's contract with juvenile

boards requires filing an offense report and referring the case to a court, the Act does not have these requirements. However, these are reasonable actions in response to serious misconduct. (The text box at left provides the eligibility requirements the Commission has in its contracts with juvenile boards.)

Our analysis of TEA's preliminary Safe Schools data on the 22 counties required to have JJAEPs identified more than 850 incidents of expellable behavior on campus. However, school officials placed these students in a setting other than the JJAEP. The offenses included 255 incidents with illegal knives, 218 with weapons (these may include weapons such as explosives, machine guns, or brass knuckles), 196 incidents of aggravated assault, and 74 incidents with firearms.

School officials may not adhere to requirements to expel students. For example, a school board of a large, urban school district adopted a *de facto* policy against expelling students. As a result, students who committed aggravated assault on campus or brought illegal weapons to school were placed in a DAEP rather than expelled to the JJAEP.

Although the Commission and the county juvenile probation department were aware that the school district was not complying with the Education Code, they lacked the statutory authority to make the district comply. TEA, on the other hand, did not take action against the district.

Even when school officials expel students as required, they sometimes do not do so for the standard length of time specified in law. Federal and state laws require that students who bring a firearm to school be expelled for a year, but allow school officials to shorten the expulsion period. TEA data for the 1997-1998 school year shows that students were assigned less than 365 days and attended even fewer days. (See Table 1 for average days assigned and attended for firearm violations.) One reason for the difference may be that the expulsion period went beyond the school year, and the Safe Schools data was only for the 1997-1998 school year.

Table 1

Days in Alternative Setting for Firearm Violations, 1997-1998 School Year	Average Number of Days	
	Assigned	Attended
DAEP	82	63
JJAEP	233	90
Expelled without a placement	74	59

Source: TEA's Safe Schools data as of April 1999

Some school officials who make disciplinary decisions are unfamiliar with the Safe Schools Act and its requirements. The Act prohibits expulsion of students younger than 10 years of age, except in cases involving firearms.² However, Safe Schools data showed that 212 students in kindergarten through third grade were expelled, although fewer than 5 of these cases involved firearms. Of those expelled, the majority were placed in alternative education programs. However, 36 percent were expelled with no placement, which means that young children were denied an education during a critical learning phase. (See Appendix 4 for placements by grade level.)

We provided TEA with a list of school districts that had expelled 76 of the 212 students. TEA contacted district officials who admitted miscoding the 76 students. District officials then asked TEA in writing to correct the data. TEA accepted these corrections without requiring documentation or physical verification.

This year, the Legislature amended the Act to prohibit elementary students from being placed with non-elementary students in a DAEP. The Act also prohibits placing students younger than six years old in such programs.

The Act also provides that students assigned to a DAEP must be separated from other students who are not assigned to the program. For example, a DAEP and an in-school suspension program must not be held in the same room. However, we learned from on-site visits that DAEP and in-school suspension students are sometimes mixed.

The Act is complex, and school officials may need help from probation and legal officials to determine proper action. An area that causes difficulty is determining if a drug violation meets the definition of a felony. For example, possessing marijuana is not a felony unless the amount is more than four ounces. For this reason, TEA recommends that school districts consult with law enforcement authorities when determining if a drug offense constitutes a felony.

State law places responsibility for training school officials on regional Education Service Centers (Centers). TEA provides training to the Centers on the Safe Schools Act and its requirements. However, TEA relies on the Centers to pass on this information to school districts. School districts also have a role in educating staff on the Act's requirements. For example, the 76th Legislature amended the Education Code to require that school districts provide their staff training on the Safe Schools Act and discipline strategies, including classroom management, district discipline policies, and the local student code of conduct.

² Federal law (Chapter 18 of the United States Code, Section 921) requires expulsion of a student who brings a firearm to school. The student must be expelled for at least one year, but the law also allows school officials to shorten the length of expulsion. Moreover, the district shall provide educational services to the expelled student in an AEP if the student is younger than 10 years of age on the date of expulsion.

It is important to provide training on disciplinary options to persons at all levels of administration. Placement decisions are made at various levels because the local school board or its designee may make expulsions. For example, the school board, district officials, and campus principals made these decisions in districts we visited.

The Commission also conducts training on the Safe Schools Act and JJAEPs for various audiences. During fiscal years 1997 and 1998, the Commission's Director of Education and Related Services participated in 19 training sessions for school, juvenile justice, social work, and health care personnel. In addition, the Commission's legal staff participated in other training sessions.

Since 1996, the Office of the Governor has funded the Alternative Education Support Project (Project) to provide statewide training and technical

assistance on implementing the Safe Schools Act. The Project relies on Centers to invite them to host workshops in their areas. At the end of the 1999 fiscal year, the Project will have conducted workshops in 14 of the 20 Centers. Participants represent 355 school districts, or about 34 percent of all Texas school districts. (See textbox at left for information on the Project.)

We noted that the six Centers that had not participated in workshops had anomalies in their Safe Schools data that indicated that they may benefit from training. These anomalies included:

- High proportion of students eligible for special education services
- High number of students expelled without placement

Alternative Education Support Project

Purpose: Provides training and technical assistance throughout Texas in support of disciplinary alternative education programs operated through school districts and county juvenile boards. One- or two-day workshops are provided in partnership with regional Education Service Centers and local school districts.

Funding: The Office of the Governor, Criminal Justice Division awarded a five-year grant beginning in fiscal year 1997. The funding amounts are as follows:

Fiscal Year-1997 \$135,817
Fiscal Year-1998 \$105,485
Fiscal Year-1999 \$105,485

Recommendation:

TEA should monitor compliance with new disciplinary training requirements as a part of its district effectiveness and compliance monitoring system. TEA should also include a review of a district's disciplinary training program in the risk-based DAEP monitoring system TEA is initiating.

TEA Management's Response:

The Agency concurs with the recommendation to monitor compliance with new training requirements. Indicators relating to compliance with disciplinary training requirements will be included in the accountability evaluation system.

The Agency has not taken the position that compliance with mandatory expulsion provisions is a matter of school district discretion. Data will be reviewed and appropriate action taken if it is determined that a district has failed to comply, through either formal or de facto policy, with the mandates of Chapter 37. Though there are indications that the number of students served in JJAEPs was smaller than expected due in part to alternative placements of some students, these indications may instead reflect coding errors linked to districts' unfamiliarity with new expulsion reporting procedures. Moreover, it is not evident that deviations from expulsion requirements cited in the report would account for all unexpended JJAEP funds.

The Agency is also concerned about the suggestion that data corrections were improperly accepted from districts. It should be noted that corrections were accepted in accordance with Agency policy, which requires that the superintendent of the submitting district certify in writing the accuracy of the corrections. Further, Agency staff carefully reviewed the reporting patterns of the districts at issue before concluding that anomalies resulted from coding errors rather than improper practices.

Implementation Date: November 1, 1999

Section 1-B:

Not All Off-Campus Offenses Result in Removal From Regular School

Some students who commit serious offenses off-campus remain on regular campuses. For example, local law enforcement and prosecutors may fail to notify school officials of off-campus felony offenses. Thus, school officials may not remove a student who poses a threat to other students and teachers because they are unaware of the student's delinquent activity. Another reason a student may not be removed is that the offense, although serious, does not require school officials to remove the student. Even a student removed to a DAEP can remain on a regular campus if the DAEP is an on-campus program on a regular campus.

The Safe Schools Act requires that a student who commits an off-campus felony under Title 5 of the Penal Code be placed in a DAEP. A student who engages in non-Title 5 off-campus felony conduct may be placed in a DAEP. However, school officials rely on the justice system to inform them of felony conduct that occurs off campus. State law requires local law enforcement and prosecutors to notify school officials when students are arrested or go before a juvenile judge for specified offenses.

The decision to expel generally depends on where the offense was committed as well as the offense itself. Specifically, the Act limits expulsions for serious offenses to those committed on school property or while attending a school-sponsored or school-related activity on or off of school property. While students who commit off-campus felonies can be removed to a DAEP, they cannot be expelled to a JJAEP for off-campus offenses.

TEA officials suggest that some of the most violent offenders are in DAEPs instead of JJAEPs. Some smaller counties may not have JJAEPs. Thus, their only recourse is to expel felons to the street or to assign them to DAEPs. Another reason the more serious offenders may be in DAEPs is that students understand the consequences of committing crimes on campus and avoid doing so. For example, the Senate Interim Committee on Gangs and Juvenile Justice reported that gang violence does not usually erupt in schools. Instead, gang recruitment and planning of gang activities are more likely to occur on school grounds and then be carried out after school is dismissed.³

Safe Schools data that TEA collected for the 1997-1998 school year shows that 1,150 students that committed felonies were sent to DAEPs. (See Table 2 for off-campus felonies.) Although TEA collects data on off-campus felonies, the data is limited to those felonies that resulted in disciplinary action. The data does not include felonies that do not require officials to remove students or felonies for which officials chose not to take disciplinary action.

Table 2

Off-Campus Felonies		
	Title 5	Non-Title 5
Expelled to an Off-Campus DAEP	80	76
Expelled to an On-Campus DAEP	11	14
Placed in a DAEP	549	420
TOTAL	640	510

Note: Title 5 felonies are offenses against a person, such as murder, kidnapping, and assaultive offenses. Non-Title 5 felonies include offenses against

Source: TEA's Safe Schools data as of April 1999

Recommendation:

- TEA should work with regional Education Service Centers and appropriate state agencies to develop training programs that focus on the requirements applicable to law enforcement and school officials in areas where their responsibilities overlap.
- TEA and the Commission should work jointly with other agencies to obtain and compare the total number of off-campus felonies committed by students versus those for which schools took disciplinary action. This

data should be used to identify schools that may need additional training in implementing the Safe Schools Act and to gather information on which to base future policy decisions on compulsory JJAEP attendance.

TEA Management's Response:

The Agency concurs with the recommendation to develop training programs. Safe Schools Division staff will review training programs provided by Agency staff, regional education service centers and other entities in order to identify and pursue opportunities for cross-training between school and law enforcement officials.

³ Senate Interim Committee on Gangs and Juvenile Justice, *Thinking Outside of the Box*, October 1, 1998

The Agency concurs with the recommendation to obtain the total number of off-campus felonies. Information regarding off-campus felonies will be requested for comparative purposes from the Commission and other agencies that may collect such data. This information will be used to identify districts that may be in need of technical assistance and will also be available for legislative consideration.

Implementation Date: October 1, 1999

Commission Management's Response:

TJPC is committed to the continued provision of training and technical assistance to juvenile justice officials, law enforcement, and school districts on all pertinent topics including the above.

TJPC concurs with this recommendation and is committed to working jointly with TEA and other agencies to compare off-campus felony conduct to school disciplinary action. TJPC is able to query CASEWORKER (CW4) data collected from county juvenile probation departments according to offense type and last school campus the student attended to compile the number of off-campus felonies committed. The comparison of this data with TEA's Safe School data will provide policy makers with a clear picture of the number of students who should be removed to DAEPs according to the Safe schools act. The data will also permit policy makers to assess whether the Safe Schools Act provides for the removal from the regular classroom of all appropriate students.

Implementation Date: 1999-2000 school year

Section 2:

Data Is Insufficient to Show If Alternative Education Works

The State paid \$28 million in fiscal year 1998 and again in 1999 for alternative education programs that have not generated sufficient data to support that they have a positive effect on students. Currently TEA and the Commission do not consistently measure the programs' progress.

The programs' mission, according to the Safe Schools Act, is to "enable students to perform at grade level." The Act leaves how each program will achieve this mission up to the officials in the district or county, with the expectation that the programs will have positive outcomes. While this local control means that communities make decisions for their own schools, it also means that program requirements such as teacher certification and length of school day vary widely from district to district and county to county. (See Appendix 2 for more information on variations.)

Performance indicators, such as standardized tests and benchmarks, can measure if a program is positively affecting students. To be useful, the data should be accurate, complete, and timely. Moreover, the positive effect should last even after students return to their regular campuses. The programs have only been in place since the

1996-1997 school year. Therefore, only now can TEA and the Commission begin to collect longitudinal data to determine long-term effects of the programs.

Section 2-A:

Current Indicators Are Insufficient to Measure Progress and to Gauge Long-Term Effects

Oversight agencies do not measure the academic progress of all students in alternative education programs. Because TEA and the Commission do not have data on many students in alternative education programs, it is difficult to assess if programs are accomplishing their mission of enabling students to perform at grade level.

TEA does not have data to show if most students in DAEPs are learning. Students assigned to DAEPs and in certain grades take the Texas Assessment of Academic Skills (TAAS) in reading, math, and writing. However, TAAS tests are only required for students during the third through eighth grades and the tenth grade. Notably, the largest percentage of students in DAEPs is in the ninth grade (27 percent) and, therefore, is not tested.

Even with new testing requirements, some students are not required to take the TAAS tests. Not later than the 2002-2003 school year, ninth graders will be required to take the TAAS reading and math tests. However, new testing requirements still exclude some eleventh and all twelfth graders. Furthermore, some students who are eligible for special education services and those with limited English ability are not required to take the TAAS test. Thus, other indicators in addition to TAAS tests must be relied upon in assessing the progress of DAEP students.

Students in DAEPs, regardless of length of stay, are not required to take any type of entrance and exit tests. However, DAEPs that serve students on a long-term basis could measure student progress while in the program through entrance and exit tests. In these cases, it would be beneficial if all DAEPs used the same tests so that TEA could compare student progress at different programs. Unlike the TAAS tests, entrance and exit tests could isolate the effect the students' stays in DAEPs have on academic performance. These tests may also be helpful for diagnostic and self-evaluation purposes. However, the large number of students in DAEPs and their relative short length of stay make a blanket requirement for entrance and exit tests cost-prohibitive and impractical.

The Commission has limited data that shows that JJAEP students are improving their reading and math skills, but not all students that should be tested are being tested. (*An Overview of the Juvenile Justice Alternative Education Programs*, SAO Report No. 99-024, February 1999, contains the academic progress of JJAEP students for the 1997-1998 school year.) Specifically, JJAEP students who tested below their current grade levels on an entry assessment test improved their scores an average of one grade level in reading and three-fourths of a grade level in math.

Despite gains and because so many youths start out so far behind, most students remain below the grade level appropriate for their age upon release from JJAEPs. At entry, 79 percent of students scored below their actual grade levels in reading and 81

percent scored below their actual grade levels in math. Moreover, students tested an average of two grade levels below their age-appropriate grade levels in reading and math.

We do not know if, overall, JJAEPs are improving students' skills because test scores for 64 percent of JJAEP students whom the Commission required to be tested were unavailable. Commission contracts for the 1998 fiscal year with juvenile boards require that all JJAEP students eligible for Commission funds enrolled at least 90 days take a pre-test and a post-test. However, some counties did not perform pre- and post-tests as required. JJAEP standards now require that all JJAEP students enrolled at least 90 days, regardless of who funds their placement in the program, take a pre- and post-test. This requirement will also apply to JJAEPs in smaller counties that the Commission awards grants to operate JJAEPs.

Another concern with the JJAEP assessment process is that all JJAEPs do not use the same testing instrument. This factor hinders the Commission's ability to assess program effectiveness among different programs. The Commission, which is concerned about the cost to counties of administering tests, has expressed a desire to have TEA select an off-grade level assessment test for JJAEPs.

TEA and the Commission do not know how students perform once they return to their home campuses. Information necessary to measure the long-term effectiveness of programs includes rates for attendance, promotion, retention, graduation, dropout, recidivism, and incarceration. TEA already has much of the data necessary to track student progress. The Commission could work with TEA to track students once they leave JJAEPs and return to regular schools to measure recidivism.

The 76th Legislature amended the Education Code to require that TEA's Commissioner adopt rules necessary to evaluate annually the performance of each district's DAEP based on indicators defined by the Commissioner. Through these proposed rules, TEA plans to hold a district accountable for a student's performance while attending the alternative education program and also for the student's success upon returning to the regular classroom.

Alternative education programs would also benefit from collecting consistent academic and behavior data of the student's tenure in the program. Some off-campus DAEPs that serve students on a long-term basis measure:

- Graduation rates
- Courses passed
- Credits earned
- GED completed
- TAAS results
- Attendance rates
- Drop-out rates

JJAEP Exit Reasons

Completed Program

- Returned to home school district while still under term of probation
- Term of probation expired and returned to home school district
- Term of placement ended and returned to home school district

GED Completion

Successfully passed the high school equivalency examination

Graduated

Completed all necessary requirements to receive a high school diploma

Left Program Unsuccessfully

Student terminated from the program due to:

- A probation modification or revocation
- An out-of-home placement

However, not all DAEPs must collect data on these measures. For example, an on-campus DAEP may not collect any of this data, while an off-campus DAEP may collect data on two of the aforementioned measures for its middle school students and two different measures for its high school students. Beginning with the 1999-2000 school year, TEA plans to evaluate these DAEPs on the basis of a uniform set of indicators adopted through a Commissioner's rule.

Although the change in pre- and post-test scores is the most direct indicator of students' academic progress, additional information can confirm and quantify student achievement. The Commission currently collects pre- and post-test scores, attendance rates, and information on the reason students left the program. (See text box for JJAEP exit reasons.) However, the exit reasons do little to describe the student's progress while in the program. Instead, the Commission could create a measure for "successful days" that includes both academic and behavioral indicators, such as completing assignments, participating in class, and receiving no disciplinary reports.

Recommendations:

- TEA and the Commission should develop and adopt in rule short- and long-term program indicators. These indicators should assess student academic performance and behavior through measures such as graduation and recidivism rates. Indicators can also jointly measure academic and behavioral achievement by creating a measure for a "successful day." The agencies could first develop and test indicators on a pilot basis.
- TEA and the Commission should set performance benchmarks for alternative education programs. Benchmarks for DAEPs and JJAEPs could differ to account for program differences. Benchmarks could include student progress as measured by an assessment test, dropout rates, attendance rates, courses completed, graduation rates, and recidivism rates. If programs do not meet benchmarks, TEA and the Commission should conduct site visits to review contributing factors and recommend solutions.

- TEA and the Commission should select or develop entrance and exit tests that all JJAEPs and selected DAEPs could use to measure student progress while in the programs on a long-term basis.

TEA Management's Response:

The Agency concurs with the recommendation to develop and adopt in rule indicators of DAEP performance. Provisions for performance evaluations will be established by rule and will specify indicators for academics and behavior.

The Agency concurs with the recommendation to set performance benchmarks. The first phase of implementation, the analyses necessary to establish performance benchmarks, will be initiated at the beginning of the 1999-2000 school year. The Agency will subsequently phase in a range of interventions designed to assist districts with low-performing DAEPs.

The Agency generally concurs with the recommendation to select or develop entrance and exit tests. In some circumstances entrance and exit tests can be very useful tools for measuring student progress and improving performance. The Agency will assist districts in identifying assessments suited for this purpose.

Implementation Date: 1999-2000 school year (first phase).

Commission Management's Response:

TJPC concurs with the recommendations to develop and adopt indicators for academics and behavior. TJPC has limited ability to track student progress once they exit the JJAEP and return to their home campus. TJPC is committed to working with TEA to track the long-term progress of students.

Section 37.011 of the Texas Education Code provides that "Academically, the mission of the juvenile justice alternative education programs shall be to enable students to perform at grade level." Keeping this mission in mind, TJPC believes a system of accountability has been developed that will assist JJAEPs in fulfilling this mandates. The development of a complete accountability system for the JJAEPs will be an evolutionary process. Currently, TJPC standards require pre- and post- testing in the areas of reading and math of students who have been in the program 90 days or longer using a validated testing instrument. Testing data used in this report reflected data from the 1997/98 school year. It should be noted that the standard for testing did not come into effect until the 1998/99 school year. The Commission has worked over the past year to facilitate and assure reporting of student testing.

TJPC will examine the feasibility of defining a "successful day" and reporting on a statewide basis as a possible performance measure for JJAEPs. Currently, several JJAEPs have coordinated with their local school districts in defining the term of expulsion in terms of completing a number of "successful days" in the JJAEP. A

“successful day” in these counties is defined locally. This approach to expulsion gives a student incentive to participate in the JJAEP in a positive manner.

TJPC concurs with this recommendation to set performance benchmark and is committed to assisting local JJAEPs in meeting the needs of the students they serve. The 75th Texas Legislature enacted legislation that requires TJPC, with the agreement of the Commissioner of Education, to develop programmatic and accountability standards for JJAEPs. As a result of this legislative mandate, a workgroup of JJAEP practitioners was formed and included representatives from TJPC and TEA. TJPC began the initial development of JJAEP standards in October 1997, leading to the adoption of final standards in November 1998. Beginning with the 1998/99 school year data, TJPC will begin the process of benchmarking student progress in JJAEPs over a three-year period. TJPC will conduct site visits to programs that do not meet benchmarks. The application of performance measures began this past school year; thus, TJPC has not yet begun the process of reviewing low performing JJAEPs. TJPC anticipates having the first year of benchmark data available in October 1999.

TJPC concurs with the recommendation to select or develop entrance and exit tests. In order to better compare student data between programs, TJPC agrees that one testing instrument would be most beneficial. It is the goal of TJPC in working with TEA to have one appropriate testing instrument in place by the 2000/2001 school year to be used by all JJAEPs.

Implementation Date: 1999 - 2000 (first phase)

Section 2-B:

Preliminary Safe Schools Data Is Incomplete and Inaccurate

We found that the first-year Safe Schools data is incomplete and inaccurate. The 75th Legislature gave TEA authority to collect data from school districts on each placement and expulsion. (See textbox on Safe Schools data.) School districts were required to submit reports to TEA by November 1998 for the 1997-1998 school year. We relied, in part, on preliminary data that TEA collected from all school districts on all disciplinary incidents to develop some key facts and findings for this report. The Safe Schools data that we used was what was available as of April 1999. The data TEA had reviewed, corrected, and entered into its automated system at that time accounted for districts that serve about 80 percent of enrolled Texas school children. Because the Safe Schools data contained some errors and was incomplete, we recognize that some numbers may be revised upward or downward when finalized. However, because other evidence corroborates our findings, revisions to the preliminary Safe Schools data will not alter our findings or recommendations.

Safe Schools Data

For each removal of a student from his or her regular classroom for reasons set forth in the Safe Schools Act, school districts will submit the following data:

- **Student Identification Number**
- **First and Last Name**
- **Date of Birth**
- **Campus Identification of Enrollment** - Indicates the campus where the student is enrolled.
- **Campus Identification of Disciplinary Assignment** - Indicates the campus where the student is placed for disciplinary reasons.
- **Disciplinary Action** - Explains the type of disciplinary action, such as expulsion to JJAEP or suspensions.
- **Action Reason** - Explains the reason the student was removed from the classroom or campus, such as assault or violation of student code of conduct.
- **Length of Disciplinary Assignment** - Indicates official number of days assigned.
- **Actual Length of Disciplinary Assignment** - Indicates number of days actually served.
- **Disciplinary Length Difference** - Explains the difference between the length of assignment and the actual

Upon receiving districts' Safe Schools reports, TEA reviewed them and, in many cases, asked schools to correct data errors. Even after this, we detected the following problems:

- A large school district's initial report did not include any expulsions or removals to the JJAEP and DAEPs.
- TEA's Safe Schools data on JJAEPs was inaccurate, and it did not agree with the Commission's data.
 - The Safe Schools report showed that fewer than 2,000 students were expelled to JJAEPs. Commission records documented over 4,000 students in JJAEPs.
 - Commission data shows that 135 JJAEP students were enrolled in one

county's JJAEP. By contrast, the Safe Schools report only shows the six students that school districts expelled. This is because a majority of the county JJAEP students are court-ordered. Schools are not required to report these placements because they do not result from expulsion or other actions taken by a school.

- Many schools overused codes for "other." TEA believes this was the default when school staff had insufficient training to know how to code data properly.

TEA officials continue to work on correcting the data and to include 100 percent of the districts. TEA has developed a list of common errors for school districts to avoid. It is also reformatting its disciplinary record to avoid confusion and ensure proper coding. TEA also believes that the data will be better in subsequent years because school districts will enter data for the 1998-1999 school year and beyond directly into TEA's Public Education Information Management System (PEIMS).

Recommendation:

TEA should test the accuracy of the Safe Schools data when it conducts accreditation reviews or other site visits.

TEA Management's Response:

The Agency concurs with the recommendation to test the accuracy of Safe Schools data. Indicators will be developed that will enable the Agency to review documentation of reported information.

Implementation Date: November 1, 1999

Section 3:

Students At Risk of Dropping Out of School Are Disproportionately Placed in Alternative Education Programs

Students in alternative education programs are oftentimes students who are classified under the Education Code as at risk of dropping out of school. (See Appendix 9 for at-risk definition.) In addition, students classified as needing special education services, minority, and economically disadvantaged are disproportionately assigned to these programs. The reasons that the rate at which at-risk students enter alternative education programs is so high include:

- A school's Admission, Review, and Dismissal Committee may not know how to determine if the discipline problem of a student who receives special education services is related to the student's disability.
- Campuses may improve their accountability ratings by removing students who do not perform well on assessment instruments or who have poor attendance.

The average percentage of students eligible for special education services in DAEPs in the 22 largest Texas counties was twice that of regular Texas schools.

The state average of special education students during the 1997-1998 school year was 12 percent, but ranged from 17 to 37 percent in DAEPs. The percentage of special education students in JJAEPs was close to the state average at 14 percent. (See Table 4 on student characteristics and Appendix 5 for comparison of special education students in selected counties.)

The percentage of minority students in alternative placements is higher than the percentage of minority students in regular public schools. Groups traditionally classified as minorities have become the majority in Texas public schools, making up 55 percent of all students in the 1997-1998 school year. However, minority students made up 66 percent of all students in

Table 3

Ethnicity of Students 1997-1998 School Year		
Ethnicity	Alternative Placements	Statewide Enrollment
Minority	66%	55%
African American	21%	14%
Hispanic	44%	38%
Other Minority	1%	3%
Non-Minority (White)	34%	45%

Note: Alternative placements include those to DAEPs,

Source: TEA's Safe Schools data as of April 1999

alternative settings. While some programs' large percentage of minority students merely reflects the composition of the community, it may point to inconsistent application of discipline policies as well. (See Table 3 for ethnicity breakdown and Appendix 6 for comparison of ethnicity in selected counties.)

TEA and Commission data classify students in alternative education programs as mostly poor and at risk of dropping out of school. Poor students were placed in alternative education programs at rates that exceeded the statewide rate of 49 percent by 6 to 37 percentage points. At-risk students were placed in alternative education programs at rates ranging from 60 to 81 percent. (See Table 4 on student characteristics.)

Table 4

Characteristics of Students in Alternative Education Programs, 1997-1998 School Year				
	Special Education	At-Risk	Economically Disadvantaged	Minority
DAEP ^a	24%	60%	55%	64%
JJAEP	14%	62%	60%	72%
Expelled With No Placement	27%	81%	86%	88%
Statewide	12%	N/A	49%	55%
^a Only in same 22 largest Texas counties where JJAEPs are operated.				

Sources: TEA's Safe Schools data as of April 1999; Juvenile Probation Commission database; and TEA's *Snapshot '98: 1997-98 School District Profiles*.

State law classifies students as economically disadvantaged if they qualify for free or reduced meals under the National School Lunch and Child Nutrition Program or have some other economic disadvantage. This can include being from a family with an annual income at or below the poverty line or that is eligible to receive public assistance.

Some indicators that a student in grades 7 through 12 is at risk of dropping out of school include:

- The student has not advanced from one grade level to the next for two or more years.
- The student has mathematics or reading skills that are two or more years below grade level.

Some indicators that a student in pre-kindergarten through grade six is at risk of dropping out include:

- The student did not perform satisfactorily on a readiness test or assessment instrument.
- The student has limited English proficiency.
- The student has been sexually, physically, or psychologically abused.

Of greater concern, the Safe Schools data indicates that a large number of students who are eligible for special education services, and those who are poor or minority, were not educated at all. Of those students who were expelled without being placed in another educational setting, a large percentage was classified as special education, at-risk, economically disadvantaged, or minority. (See Table 4 on student characteristics.) This includes over 1,000 students eligible for special education services; about 3,300 poor students; and 3,700 minority students.

Federal law requires that a student eligible for special education services receive a “free and appropriate public education” even if expelled. School districts that expel these students should make instructional arrangements to continue to provide services. However, TEA cannot verify that such arrangements were made for these 1,000 students unless it conducts on-site visits and reviews student files. TEA will conduct monitoring visits with a special education focus beginning with the 1999-2000 school year. Monitors could review student files for those expelled without a placement to ensure that instructional arrangements were made.

As discussed in Section 2-A, TEA is drafting rules on evaluating DAEPs. In addition to evaluating DAEPs on the basis of performance, the draft rules would evaluate programs based on their placement practices using various indicators. An example of a placement indicator is the percentage of a district’s minority students with disabilities who are placed in a DAEP at the school officials’ discretion.

Recommendations:

- TEA should adopt rules that would evaluate school districts’ placement practices for students who are expelled or removed from regular classrooms to ensure fair and consistent treatment of all students. This information should be used in monitoring alternative education programs and determining when to schedule site visits.
- TEA should add a risk indicator to its special education monitoring procedures for students eligible to receive special education services who are expelled without placements.

TEA Management’s Response:

The Agency concurs with these recommendations. A commissioner’s rule providing for a risk-based monitoring system for DAEPS will be proposed. Analyses of

disproportionate placement and expulsion patterns will figure prominently in this system.

The Agency included an indicator related to the overrepresentation of students with disabilities in DAEPs in its 1998-1999 special education risk-based monitoring pilot. Additionally, the district effectiveness and compliance monitoring system includes indicators related to services for expelled students and those assigned to DAEPs. The Agency will continue to improve its analysis of these risk indicators to target districts that need additional support.

The data table indicating that many students eligible for special education services were “expelled with no placement” may be misleading. The Chapter 37 data collection instrument (the 425 record) asks districts to report students expelled without placement in a DAEP or JJAEP. All students with disabilities must be served during the term of an expulsion, but may be served in settings other than DAEPs or JJAEPs. The Agency will continue to monitor services provided to expelled students with disabilities and will consider refinements to the 425 record so as to give districts more comprehensive reporting options.

Implementation Date: November 1, 1999.

Section 4:

Oversight Agencies Need to Work More on Improving Alternative Education Programs

TEA and the Commission have accomplished much in four years to implement and monitor alternative education programs throughout Texas. However, TEA needs to monitor how school districts report attendance to ensure that the State does not fund certain JJAEP students twice. The agencies can also do more to ensure appropriate funding for and compliance with alternative education program requirements.

Since the Safe Schools Act was enacted, TEA’s Safe Schools Division has been staffed primarily with a director, an administrative assistant, and part-time staff counsel. The Division staff, with support from other TEA staff, has done much to implement the program in all 1,061 school districts. TEA has:

- Created a new accountability system
- Developed procedures for reporting attendance for JJAEP students who are ineligible for Foundation School Program funds
- Provided training to Centers on implementing the Act
- Developed the disciplinary reporting form to collect Safe Schools data

With no administrative funds and only one staff member assigned full time to JJAEPs, the Commission has accomplished much since the program was enacted in 1995. Prior to fiscal year 1998, the Commission did not have oversight responsibility for

JJAEPs. Instead, the Commission's primary role was to provide technical assistance to counties on developing memoranda of understanding and selecting service providers. The 75th Legislature increased the Commission's role by requiring that the Commission distribute funds to JJAEPs, develop an accountability system to track student progress, and review operating policies for JJAEPs.

Among the Commission's accomplishments since then are:

- Reviewing and approving program and grant applications
- Collecting student and performance data
- Developing and adopting rules for program operations and accountability

The Commission estimates that after the new census, additional counties will reach a population of 125,000 and will be required to operate JJAEPs. In addition, the 76th Legislature lowered the population level for counties to operate a JJAEP. Assisting small counties' start-up programs while continuing to monitor existing programs will require additional staff allocations. Thus, the Commission plans to hire two additional staff members to work on JJAEP-related issues.

Section 4-A:

Some Districts Are Receiving Funding for Ineligible Students

Some districts that expelled students to JJAEPs for offenses mandated under the Safe Schools Act reported the students as eligible for Foundation School Program funding even though they were actually ineligible. State law expressly states that a student served by a JJAEP on the basis of an expulsion for certain felonies is ineligible for Foundation School Program funding.

The reporting problem, which appears to be widespread, resulted in districts receiving funds for students whose attendance at JJAEPs the Commission was also funding as required. Districts in at least 18 of the 22 counties that operate JJAEPs reported students' attendance incorrectly. We did not have sufficient data on 3 of the 22 counties to determine if the problem was occurring there as well.

TEA provides guidance to school officials on how to properly attribute JJAEP student attendance data in its annual *Student Attendance Accounting Handbook*. The 1997-1998 edition identifies which JJAEP students should be coded ineligible for Foundation School Program funding. However, TEA has not reviewed district attendance data to ensure that information about JJAEP students is reported accurately.

School districts may have to reimburse the State \$1.4 million because of incorrect reporting that occurred during the 1997-1998 school year. However, TEA's current attendance auditing process would not have detected the JJAEP attendance reporting problem. The audit process identifies when multiple campuses report a student's attendance for the same period. In the case of JJAEPs, the sending district is generally the only campus reporting the student's attendance.

We found evidence that at least one school district was generally reporting its JJAEP students correctly. School officials had contacted both TEA and the Commission to determine how to properly code students. These instructions were then included in the memorandum of understanding between the JJAEP and school districts.

Recommendation:

TEA should implement procedures to detect improper reporting of JJAEP students' attendance. This could include obtaining a list of JJAEP students eligible for Commission funding and matching this data against attendance data reported by sending districts. TEA should also obtain reimbursement from school districts that improperly obtained Foundation School Program funds.

TEA Management's Response:

The Agency concurs with these recommendations. The Agency routinely reviews PEIMS attendance data in an effort to detect irregularities. Audits and recovery of state funds follow from these efforts. With regard to JJAEP student attendance data, audit staff will be continuing audit activities involving student data for the 1997-98 school year and there will be a recovery process immediately upon closure of the 1997-1998 data collection. Safe Schools Division staff will coordinate with PEIMS staff to provide additional training and technical assistance focused on JJAEP attendance reporting.

Implementation Date: October 1, 1999.

Section 4-B:

Some Programs Have Problems Gaining Access to Student Records

Some alternative education programs reported problems gaining access to student records. In particular, JJAEPs need access to student academic records, including assessment scores, grades, and education plans for special education students. These records are critical for tailoring an appropriate educational program. In January 1999, TEA wrote to superintendents reminding them of their responsibility to transfer records within 30 days of a request. However, there are no consequences for schools when they fail to send records.

The 30-day requirement is a state law that applies to all student records and is not specific to alternative education programs. However, 30 days may be too long to wait to begin to educate students, especially if students are in programs a short time. The average length of stay in DAEPs in 10 of the 22 largest counties was less than 30 days. The average length of stay in DAEPs in 10 other of the 22 largest counties was between 31 to 45 days. (See Appendix 8 for average lengths of stay.) As discussed in Section 3, many of these students are eligible for special education services or are at risk of dropping out of school.

Recommendation:

TEA should analyze whether the 30-day requirement for transferring school records is hindering school officials' abilities to educate students in alternative education programs. TEA should also monitor and take action if schools do not comply with requirements to transfer school records on time.

TEA Management's Response:

The Agency will research the impact of the statutory 30-day time period for transferring student records. It should be noted, however, that absent an appeal filed with the commissioner by an aggrieved party, the Agency's authority to require districts to comply with this requirement is very limited. The Agency will continue to emphasize at every opportunity the importance of transferring records as quickly as possible.

Implementation Date: 1999-2000 school year (first phase).

Section 4-C:

Monitoring Efforts Are Not the Result of Risk Analysis

TEA's regular accountability system for assigning district and campus ratings relies on TAAS scores, attendance, and dropout rates. However, alternative education programs, which generally serve students who are behind academically, have poor attendance, and are at risk of dropping out of school present TEA with a special challenge.

In response, TEA created an alternative to the regular accountability system. The alternative system allows alternative education programs, such as off-campus DAEPs, to select indicators by which they will be rated. At the end of the school year, the campus will conduct a self-evaluation against the approved criteria, and TEA will use the results to rate the campus as acceptable, needing peer review, or not rated. Beginning with the 1999-2000 school year, TEA will evaluate DAEPs' campus performances on the TAAS tests, attendance, and dropout rates, in addition to other indicators chosen by the campuses.

However, we identified several problems with this alternative accountability system in place for the 1998-1999 school year:

- The base levels that DAEPs must meet to be rated acceptable under the alternative accountability system are much lower than those required under the regular accountability system for regular campuses. For example, a DAEP could be rated acceptable with a 30 percent TAAS passing rate, compared to a 45 percent passing rate under the regular system. Students in alternative education programs may also fail 50 percent of all courses attempted, and the program could still be rated acceptable.

- Not all stand-alone DAEPs are subject to monitoring. If a DAEP has students enrolled less than 90 cumulative days (or about one semester), TAAS results are attributed to the regular campus. This means that the DAEP receives a “not rated” rating from TEA. Out of 195 stand-alone DAEPs, 55 were rated under the alternative system during the 1997-1998 school year. Of these, 25 percent were found to need peer review.
- TAAS scores for students who remained at a DAEP long-term stayed with the DAEP and did not reflect on the sending campus.

In accordance with state law, TEA does not rate programs--only campuses. In fact, TEA lacks an accurate and complete list of alternative education programs, especially those on regular campuses. Thus, TEA does not currently monitor on-campus DAEPs.

In response to concerns about its alternative accountability system, TEA has proposed making changes for the 1999-2000 school year as follows:

- Evaluate performance and compliance risk indicators for all DAEPs annually. Risk indicators, such as disproportionate number of placements and parental complaints, will be used for scheduling audits and on-site investigations.
- Hold home campuses of students served in DAEPs accountable for student performance regardless of the length of assignment in the DAEP.
- Analyze student-level data collected in its automated system to determine how students perform during and after placement. It will give this evaluation to each district to be included in its annual performance report to the public.

By comparison, the Commission currently requires annual on-site monitoring of JJAEPs. In addition, it plans to perform desk audits to determine if counties have adopted policies and procedures to implement standards. Moreover, it requires juvenile boards to submit, no later than March 1 of each year, an independent audit affirming that:

- All students for whom funds were collected under the JJAEP contract were eligible for funding.
- Information on actual students reported to the Commission on the attendance vouchers is verifiable and in agreement with the recipient’s attendance records.

Because JJAEP site visits are combined with visits to probation departments and juvenile facilities, Commission monitors may not have sufficient time to spend at a JJAEP that has serious problems. The use of risk analysis in selecting sites to monitor is the best use of scarce resources.

For fiscal year 2000, the Commission plans to hire two monitors to specialize in JJAEP monitoring and to perform duties in compliance with new legislative

requirements. Beginning September 1999, the Commission is required to investigate reports of alleged abuse or neglect at JJAEPs.

Recommendation:

TEA and the Commission should initiate a risk-based system, such as that used for special education, that focuses resources on programs that present the most serious issues and practices. Abuse and neglect reports and parental complaints should be an important factor in determining risk.

TEA Management's Response:

The Agency concurs with the recommendation to initiate a risk-based system that takes into account abuse and neglect reports and parental complaints. As described in other portions of the Agency's response, a risk-based monitoring system for DAEPs modeled after the special education risk-based system will be initiated. Written complaints that have been sustained upon investigation by Agency staff will be incorporated into the risk-based monitoring system.

Implementation Date: December 1, 1999.

Commission Management's Response:

TJPC concurs with the recommendation to initiate a risk-based system. TJPC has monitored each JJAEP in the past due to the newness of the programs and their need for technical assistance. TJPC agrees that JJAEPs should be reviewed based on a risk-based system. TJPC will develop a risk-based system similar to the one used in monitoring special education. Currently, TJPC has only one professional staff member who coordinates all agency activities related to JJAEPs and other education programs. TJPC is in the process of hiring an additional professional staff to improve and expand the agency's oversight of JJAEPs.

Implementation Date: January 2000

Section 4-D:

Data on Cost of Operating Programs Is Inadequate

TEA and the Commission lack consistent cost data to calculate the cost of operating programs. Neither agency requires the programs to report complete cost data, although the JJAEPs must submit an annual budget for the Commission's review. This deficit has left legislators unsure of what is an adequate funding level for alternative education. As a result, programs may be underfunded.

When we visited JJAEPs, we found that the cost of operating a JJAEP varies according to student attendance and program services. The cost per day for the four

JJAEPs we visited ranged from \$28 to \$229. Factors that influenced the per-student cost of operating a JJAEP included:

- **Attendance** - Because funding is tied to attendance, programs with more students eligible for funding and higher attendance rates received more funding. For the 1997-1998 school year, absences prevented programs from collecting 19 percent, or about \$752,000, of available funding.
- **Services** - Some programs offered more services to students. For example, one JJAEP had three on-site probation officers and a psychologist for about 50 students.
- **Operational Costs** - Some programs did not have to incur the full cost of the program. For example, one JJAEP was housed in a donated building, so it had no rental costs. Another JJAEP required parents to transport students to and from campus. Thus, the program did not incur costly transportation fees.

Recommendation:

TEA and the Commission should develop a cost reporting form that all alternative education programs would complete annually.

TEA Management's Response:

Further research will be required in order to identify the most efficient method of collecting DAEP cost information. This research will be initiated during the 1999-2000 school year.

Implementation Date: December 1, 1999.

Commission Management's Response:

TJPC concurs with this recommendation. Determining the actual cost and effectiveness of each JJAEP is essential to their continued operation and success. Collection of cost data has been difficult due to the blending of funds and services from various entities (i.e. state, county and school district funds) who are not required to report expenditures to TJPC. TJPC has begun developing a reporting process and form to capture cost data for fiscal year 2000. TJPC will coordinate with TEA to establish a single process and form to capture data for all alternative education programs.

Implementation Date: January 2000

Issues for Further Study

During the course of our work, we noted issues that require the attention of the Commission and TEA. These issues include (1) the effect of a student being expelled without placement in another educational setting, and (2) oversight of voluntary JJAEPs, which are not subject to Commission oversight.

Review Options for Students Expelled Without Educational Placement

Students who are expelled without educational placement, “to the street,” are less likely to complete their education and are more likely to commit offenses. TEA does not currently track what happens to students who are expelled to the streets.

Students in all counties can be expelled for “discretionary” reasons. These are reasons determined by local communities in their student codes of conduct and are in addition to those required in the Safe Schools Act. Depending on the county, the student can be removed to a DAEP or to a JJAEP if the memorandum of understanding or space availability allow for the JJAEP to accept discretionary placements. A third option is to expel the student without finding the student another educational setting. Preliminary Safe Schools data indicates that students as young as kindergartners have been expelled without other educational placements.

Review JJAEPs That Are Exempt From Commission Oversight

State law exempts JJAEPs that do not receive Commission funds from complying with program requirements in state law and agency rule. Exempt JJAEPs do not fall under the Commission’s oversight. However, they may serve expelled students as JJAEPs do and may be called JJAEPs, but they may operate under totally different guidelines from true JJAEPs. As a result, some students may not be receiving adequate education. In addition, if an individual or an organization other than a juvenile board operates a JJAEP, the Commission is not required to investigate reports of abuse and neglect.

In addition to the 22 counties required by statute to operate a JJAEP, 9 counties with a population under 125,000 operate JJAEPs with Commission grants. An estimated 10 counties also operate programs like JJAEP, but do so without any Commission funds. Because Commission dollars are not involved, these programs are not subject to Commission oversight and do not have to comply with JJAEP standards.

The Commission has awarded grants to nine counties to operate JJAEPs, but statute exempts the programs from most requirements. However, the Commission’s contracts with these grant recipients require that these JJAEPs comply with all program standards, except for the need to give students pre- and post-tests. Beginning in fiscal year 2000, grant recipients will have to comply with testing requirements as well. Moreover, performance measures are built into the grant contracts. The programs submit end-of-year reports, and if they do not meet their performance measures, the Commission can deny them future funding.

Objectives, Scope, and Methodology

Objectives

Our audit objectives were to:

- Determine if student expulsions and removals follow legislative guidelines for the Safe Schools Act.
- Determine if DAEPs and JJAEPs are accomplishing their mission of improving students' academic performance.
- Identify DAEP and JJAEP program and statutory requirements.
- Analyze student participation data and identify barriers to program participation.
- Determine if TEA and Commission program oversight is adequate.

Scope

The scope of this audit included consideration of the overall policy, information, and performance management provided by oversight agencies. In addition, we considered school districts' and counties' implementation of the Safe Schools Act.

Methodology

The audit methodology consisted of gaining an understanding of the requirements of the Safe Schools Act. We then performed tests and site visits to determine if programs had been implemented as prescribed in the Act. Finally, we evaluated results against established criteria to determine the programs' adequacy and identify opportunities for improvement. The information collected, procedures and tests conducted, and criteria used to accomplish the audit objectives are listed below.

Information Collected:

- Interviews with TEA and school officials
- Interviews with Commission and local juvenile probation staff
- Interviews with JJAEP administrators
- Documentary evidence such as:
 - State statutes, regulations, and rules
 - TEA and Commission financial documents, plans, policies, manuals, reports, publications, minutes, and other written materials
 - TEA's Safe Schools and PEIMS data and the Commission's JJAEP database

- Contracts and memoranda of understanding for JJAEPs
- DAEP and JJAEP financial documents, policies, procedures, and reports

Procedures and Tests Conducted:

- Review and analysis of contracts and memoranda of understanding
- Tests of accuracy of TEA and Commission data
- Tests of compliance with applicable statutory requirements
- Observations at selected DAEPs and JJAEPs

Criteria Used:

- State Auditor's Office Accountability Project Methodology
- Statutory requirements
- General Appropriations Act
- TEA and Commission policies, rules, and manuals
- Guidelines offered by external subject matter experts and reports

Other Information

Fieldwork was conducted from November 1998 to March 1999. The audit was conducted in accordance with *Government Auditing Standards*.

The following members of the State Auditor's Office performed the audit work:

- Sandra H. Vice, MPAff (Project Manager)
- Julie L. Ivie, CIA
- Paige A. Buechley, MPAff, MBA
- Carlita J. Joseph, MBA
- Bruce E. Truitt, MPAff (Quality Control Reviewer)
- Susan A. Riley, CPA (Audit Manager)
- Deborah L. Kerr, Ph.D. (Audit Director)

Alternative Education Program Requirements and Operations

Although created in the same legislation, DAEPs and JJAEPs differ in their program requirements and how they have been implemented. Differences may include the hours of operation, number and qualifications of staff members, students' lengths of stay in the program, the age of participants, and the programs' accountability systems.

Instructional Staff Members - Alternative education programs often employ instructors who are not certified teachers. State law requires that on-campus DAEPs use certified teachers. However, the law gives broad exemption for off-campus DAEPs with regard to teacher certification. Commission standards require that instructional staff members have a degree and that JJAEPs have at least one certified teacher. However, the Commission does not stipulate that the certified teacher must be in the classroom. Thus, we found a JJAEP that used its certified teachers to oversee curriculum, but these teachers did not instruct classes.

The JJAEPs that we visited had certified staff if a school district provided educational services. However, those that contracted with private providers had more difficulty hiring certified teachers because these teachers cannot participate in the Teacher Retirement System. Program officials said it was especially difficult to hire teachers with a special education certification.

Even when administrators hire certified teachers, they may not be certified in an appropriate subject area. For example, a DAEP's sole certified teacher was certified in dance. We also saw teachers certified in one subject area teaching four subjects: English, math, social studies, and science.

Hours of Operation - Off-campus DAEPs are allowed to operate as few as four hours a day. These students' past behavior patterns indicate that they should be supervised to avoid getting into further trouble. They also are often academically behind and need additional class time to help them perform at grade level. However, we visited an off-campus DAEP that operated two four-hour shifts to accommodate as many students as possible. Converting half-day programs to full-day ones would likely require additional funding for staff, equipment, and space, but would not earn the school additional funding. This is because schools may collect a full day's funding for a half day of instruction.

Table 5

Days Assigned That Students Completed 1997-1998 School Year	
DAEP	86%
JJAEP	70%
Expelled With No Placement	93%
Source: TEA's Safe Schools data as of April 1999	

Length of Stay - The Safe Schools Act does not establish a minimum length of stay in alternative education programs, except in cases involving firearms. School officials decide the length of time a student is placed in a DAEP and JJAEP. The law also permits officials to return students to their home campuses prior to completing their assigned days. For example, students who were expelled without placement in another educational setting attended 93 percent of their assigned days, compared to 86 percent for those placed in DAEPs and 70 percent for those assigned to JJAEPs. (See Table 5.) This

means that students who were expelled without placements were less likely to be allowed to return to school early.

The average number of days assigned and attended for students committing the same offense also varied according to the placement. For example, students whose offense was attempted murder attended an average of 366 days in a JJAEP, but only 52 days in a DAEP. Students who possessed weapons attended an average of 102 days in a JJAEP, but only 34 days in a DAEP. Finally, students who retaliated against school employees were expelled without placement in another educational setting an average of 229 days, while JJAEP and DAEP students attended an average of 48 days and 30 days respectively. (See Table 6.)

Table 6

Average Lengths of Stay in Alternative Settings for Selected Offenses, 1997-1998 School Year			
Disciplinary Reason	Average Number of Days		
	Expelled-No Placement	JJAEP	DAEP
Retaliation Against School Employee	229	48	30
Murder, Attempted Murder	3	366	52
Possessed Firearm	59	90	63
Possessed Weapon ^a	21	102	34
Possessed Illegal Knife	36	61	38
Possessed Club	50	54	41
Indecency with a Child	0	64	98
Aggravated Assault	56	89	41
Title 5 Off-Campus Felony	41	34	56
Non-Title 5 Off-Campus Felony	10	15	161
^a Weapons include an explosive weapon, a machine gun, a short-barrel firearm, a firearm silencer, a switchblade knife, brass knuckles, armor-piercing ammunition, mace or pepper gas, or a zip gun.			

Source: TEA's Safe Schools Data as of April 1999

Courses Offered - Neither DAEPs nor JJAEPs are required to provide courses necessary to fulfill a student's high school graduation requirements other than the required core courses. Alternative education programs may also lack the necessary facilities for some core subjects, such as science, which require laboratories. As a result, students who are older when placed in an alternative education program may not have an opportunity to complete courses required for graduation. About 23 percent (13,700) in DAEPs and 16 percent (680) in JJAEPs were in tenth grade or above. (See Appendix 4 for placements by grade level.) These students may also be older than their grade levels indicate because of the tendency to repeat grades.

Although alternative education programs offer high school equivalency (GED) instruction, this is not comparable to earning a high school diploma.

Minimum graduation courses for students entering ninth grade the 1998-1999 school year or thereafter that are in addition to the core courses currently required for alternative education programs are:

- Economics
- Physical education
- Health education
- Speech
- Technology applications
- Electives

Programs that want to offer minimum courses for graduation could expand their course offerings through methods other than traditional classroom instruction. For example, additional courses could be provided through computer services or correspondence courses.

Alternative education programs may also arrange to continue students' regularly assigned classes. The Commission said this occurs at JJAEPs that try to accommodate their older students. We visited JJAEPs that had made special arrangements to meet students' educational needs. This included providing private tutorials, electives, and advanced courses through computer services.

On the following page is a summary of program requirements and operations for JJAEPs and DAEPs.

Summary of Program Requirements and Operations

	Juvenile Justice Alternative Education Programs (JJAEPs)	Disciplinary Alternative Education Programs (DAEPs)
Oversight Agency	Juvenile Probation Commission	Texas Education Agency
Mission	To enable students to perform at grade level.	To enable students to perform at grade level.
Number of Programs	22 - Until the 76 th legislative session, JJAEPs were required only in counties with a population over 125,000. In 1999, this was expanded to allow counties with populations as low as 72,000 to operate a JJAEP.	527 identified (195 off campus) - All of Texas' 1,061 school districts must provide a DAEP, but districts may do so jointly with other districts.
Funding (for 1998-1999 biennium)	\$14 million set aside from Compensatory Education Allotment and transferred to the Commission. \$6 million from Foundation School Program transferred to the Commission.	\$36 million for safe schools programs (Strategy B.3.2., Deregulation and School Restructuring, General Appropriations Act).
Accountability	JJAEP requires a pre- and post-test for long-term students to measure if they are accomplishing their mission. JJAEP students' TAAS scores go back to home campuses.	DAEPs have no way to measure if they are accomplishing their mission. DAEP students' TAAS scores go back to home campuses only if students are in program less than 90 days.
Population Served	<u>Mandatory</u> - Students expelled for violent on-campus felonies under Section 37.007(a), (d) or (e) for the Education Code. <u>Discretionary</u> - Students expelled for misdemeanor drug/alcohol use or elements of criminal mischief on-campus under Section 37.007(b) or (f) of the Education Code. - or - Students who continue to engage in serious misbehavior while placed in a DAEP. <u>Other</u> - Students who attend as ordered by a juvenile court, by choice, or under other circumstances.	Students must be placed in a DAEP for conduct listed under Section 37.006 of the Education Code (e.g., on-campus felonies and violent off-campus felonies). Students must be placed in a DAEP if they are younger than 10 years of age and they are expelled for serious offenses under Section 37.007 of the Education Code. Student may be placed in a DAEP pursuant to the local student code of conduct (e.g., fighting that does not cause bodily injury).

	Juvenile Justice Alternative Education Programs (JJAEPs)	Disciplinary Alternative Education Programs (DAEPs)
Number of Students Served During 1997-1998 School Year	Mandatory 988 Discretionary 2,819 Other <u>353</u> Total 4,161 Because only 25 percent were mandatory, 75 percent of students attending a JJAEP could have been served at a DAEP.	DAEP 59,168 (Based on preliminary Safe Schools data as of April 1999)
Age Restrictions	Cannot accept students younger than 10 years of age on the data of expulsion.	May accept students younger than 10 years (and must if expelled due to firearm violation). The Act was recently amended to prohibit placing students younger than 6 years in DAEPs.
Instructional Staff	JJAEPs must have at least one Texas certified teacher. Commission standards for JJAEPs also require that instructional staff have college degrees.	On-campus DAEPs must have certified teachers. Off-campus DAEPs may use non-certified teachers.
Academic Subjects	Focuses on English language arts, mathematics, science, social sciences, and self-discipline, and offers a high school equivalency program. Not required to provide a course necessary to fulfill students' high school graduation requirements.	Focuses on English language arts, mathematics, science, history, and self-discipline. Not required to provide a course necessary to fulfill students' high school graduation requirements.
Hours of Operation	JJAEPs are required to operate seven hours a day.	No minimum requirements, but may operate as few as four hours a day. This is the minimum requirement for a student to be eligible for average daily attendance funding.
Days of Operation	Minimum 180 days a year with <u>no</u> waivers for staff development.	Generally 180 days a year with waivers available.
Length-of-Stay	No minimum length-of-stay.	No minimum length-of-stay.

Appendix 3:

Funding for JJAEPs

Counties	TEA Funds	Commission Funds				
	Fiscal Year 1997	Fiscal Year 1998				
	TEA Start-Up Funds	Regular School Year	Summer School	Grants	"Excess" Start-Up Funds	Total Commission Funds
Mandated Counties						
Bell	\$ 112,813	\$ 70,702	\$ 0	\$ 0	\$ 0	\$ 70,702
Bexar	686,315	504,401	180,730	0	0	685,131
Brazoria	123,707	69,430	0	0	0	69,430
Cameron	185,229	137,058	0	35,000	0	172,058
Collin	199,206	49,237	0	0	12,995	62,232
Dallas	1,004,102	416,368	189,263	35,000	0	640,631
Denton	181,544	137,853	8,851	0	0	146,704
El Paso	394,532	65,296	13,780	0	32,030	111,106
Fort Bend	184,056	43,884	40,121	0	0	84,005
Galveston	115,813	18,868	0	2,879	12,543	34,290
Harris	1,603,545	501,380	343,281	0	0	844,661
Hidalgo	309,391	71,921	0	0	12,740	84,661
Jefferson	121,177	7,738	0	0	24,563	32,301
Lubbock	119,179	29,097	0	0	3,616	32,713
McLennan	93,154	113,208	4,293	27,018	0	144,519
Montgomery	126,033	112,943	34,344	0	0	147,287
Nueces	174,447	52,046	14,469	0	0	66,515
Smith	78,742	39,803	0	0	0	39,803
Tarrant	672,733	75,684	37,736	0	85,403	198,823
Travis	283,425	63,282	0	27,981	19,003	110,266
Webb	104,181	138,277	0	0	0	138,277
Williamson	126,663	19,769	42,771	33,196	0	95,736
Non-Mandated Counties						
Atascosa	\$	\$ 0	\$ 0	\$ 0	\$ 0	\$ 27,061
Brooks	0	0	0	21,568	0	21,568
Grayson	0	0	0	35,000	0	35,000
Hardin	0	0	0	34,238	0	34,238
Hill	0	0	0	24,793	0	24,793
Houston	0	0	0	35,000	0	35,000
Matagorda	0	0	0	35,000	0	35,000
Rusk	0	0	0	24,715	0	24,715
Upshur	0	0	0	35,000	0	35,000
TOTAL	\$6,999,986	\$ 2,738,250	\$ 909,639	\$ 433,449	\$ 202,893	\$ 4,284,226

Source: TEA start-up figures and Commission contract detail

Appendix 4:

Grade Levels of Students in Alternative Education Programs, 1997-1998 School Year

Grade Levels	DAEP		JJAEP	
	Number	Percent age	Number	Percent age
Early Education	1	0.00%	N/A	N/A
Pre-Kindergarten	0	0.00%	N/A	N/A
Kindergarten	124	0.21%	N/A	N/A
1	312	0.53%	N/A	N/A
2	391	0.66%	N/A	N/A
3	590	1.00%	N/A	N/A
4	1,001	1.69%	8	0.19%
5	1,653	2.79%	26	0.63%
6	4,792	8.10%	283	6.85%
7	9,279	15.68%	695	16.82%
8	11,557	19.53%	962	23.28%
9	15,754	26.63%	1,479	35.79%
10	7,318	12.37%	474	11.47%
11	4,122	6.97%	146	3.53%
12	2,274	3.84%	59	1.43%
TOTAL	59,168	100.00%	4,132	100.00%

Sources: TEA's Safe Schools data as of April 1999 (represents 80 percent of the statewide student population); Juvenile Probation Commission database on JJAEPs.

Appendix 5:

Students Eligible for Special Education Services Who Were in Alternative Education Programs, 1997-1998 School Year

Counties	DAEP	JJAEP	Range for Districts in Country ^a
Bell	27%	14%	10 - 17%
Bexar	33%	5%	11 - 17%
Brazoria	25%	20%	11 - 15%
Cameron	21%	17%	9 - 14%
Collin	24%	29%	10 - 16%
Dallas	18%	18%	7 - 14%
Denton	37%	19%	13 - 18%
El Paso	17%	12%	6 - 10%
Fort Bend	23%	20%	8 - 12%
Galveston	18%	11%	8 - 15%
Harris	19%	5%	4 - 13%
Hidalgo	20%	10%	6 - 15%
Jefferson	24%	10%	8 - 24%
Lubbock	32%	26%	11 - 17%
McLennan	22%	24%	10 - 39%
Montgomery	32%	26%	12 - 16%
Nueces	26%	17%	10 - 24%
Smith	18%	24%	9 - 13%
Tarrant	25%	19%	8 - 17%
Travis	24%	29%	11 - 15%
Webb	26%	12%	5 - 12%
Williamson	31%	37%	9 - 20%
Overall Average	24%	14%	N/A
State of Texas Schools Special Education Rate: 12%			
^a Excludes charter schools in district			

Sources: TEA's Safe Schools data as of April 1999 (represents 80 percent of the statewide student population); TEA's *Snapshot '98: 1997-98 School District Profiles*; Juvenile Probation Commission database on JJAEPs.

Appendix 6:

Ethnicity of Students Incurring a Disciplinary Action - Largest Counties, 1997-1998 School Year

Counties	African-American	Hispanic	Other Minority	White
Bell	52%	16%	2%	30%
Bexar	13%	63%	1%	23%
Brazoria	11%	29%	1%	59%
Cameron	1%	94%	0%	5%
Collin	7%	11%	1%	81%
Dallas	36%	26%	3%	35%
Denton	10%	15%	3%	72%
El Paso	3%	88%	0%	9%
Fort Bend	66%	16%	3%	15%
Galveston	28%	17%	2%	53%
Harris	41%	41%	1%	17%
Hidalgo	0%	98%	0%	1%
Jefferson	81%	4%	1%	13%
Lubbock	21%	53%	1%	26%
McLennan	46%	24%	0%	30%
Montgomery	9%	14%	1%	76%
Nueces	8%	77%	0%	14%
Smith	22%	5%	0%	73%
Tarrant	30%	22%	2%	46%
Travis	29%	47%	1%	24%
Webb	0%	97%	0%	3%
Williamson	16%	27%	1%	56%
Average for 22 Largest Counties^a	28%	42%	1%	29%
Statewide Averages	14%	38%	3%	45%
^a We weighted averages to account for population variances between counties.				

Source: TEA's Safe Schools data as of April 1999 (represents 80 percent of the statewide student population).

Appendix 7:

Reasons Students Were Placed in Disciplinary Settings, 1997-1998 School Year

Disciplinary Reasons	Number of Incidents Resulting in Placement		
	DAEP	JJAEP	No Placement
Disruptive Behavior (Section 37.002, Education Code)	18,749	95	542
Violation Not in Sec 37.006, Education Code	11,634	61	297
Other Reason in Student Code of Conduct	10,889	115	78
Possessed or Sold Controlled Substance	7,664	324	121
Assault or Terroristic Threat	5,126	96	63
Possessed Alcoholic Beverage	1,600	7	2,835
Serious Misconduct in DAEP	1,383	790	325
Conduct Punishable as a Felony	951	24	22
Off Campus Felony in Title 5, Penal Code	640	13	5
Off Campus Felony Not in Title 5, Penal Code	510	4	1
Possessed Illegal Knife	417	88	26
Criminal Mischief	405	16	12
Aggravated Assault	352	61	14
Possessed Weapon	299	66	17
Public Lewdness	278	3	54
Retaliation Against School Employee	274	15	4
Abuse of Glue or Aerosol Paint	124	5	18
Possessed Firearm	121	102	30
Arson	95	43	7
Indecency with a Child	56	26	0
Emergency Placement/Expulsion	31	7	4
Possessed Club	28	14	2
Reason Not Reported	24	2	1
Murder, Attempted Murder	5	2	1
Aggravated Kidnapping	2	1	0
Other	2,436	14	74
TOTAL	64,093	1,994	4,553
Note: The TEA data for JJAEPs does not match that reported by the Juvenile Probation Commission for the same period.			

Source: TEA's Safe Schools data as of April 1999 (represents 80 percent of the statewide student population).

Appendix 8:

Enrollment and Length of Stay in Alternative Education Programs, 1997-1998 School Year

Counties	Total Enrollment		Average Length of Stay	
	DAEP	JJAEP	DAEP	JJAEP
Bell	294	153	39	60
Bexar	4,173	581	26	132
Brazoria	559	212	23	102
Cameron	2,764	90	20	112
Collin	568	91	64	78
Dallas	3,935	455	27	133
Denton	675	123	20	93
El Paso	1,577	59	39	133
Fort Bend	12	152	36	93
Galveston	1,005	80	35	59
Harris	2,663	934	43	129
Hidalgo	2,010	30	28	97
Jefferson	721	119	31	162
Lubbock	1,148	70	20	63
McLennan	1,159	369	38	344
Montgomery	1,506	107	13	79
Nueces	1,550	66	40	86
Smith	39	45	31	50
Tarrant	7,322	100	125	90
Travis	1,724	56	21	116
Webb	552	134	40	105
Williamson	755	135	24	100
TOTAL or AVERAGE^a	36,711	4,161	48	132

Source: TEA's Safe Schools data as of April 1999 (represents 80 percent of the statewide student population).

^aWe weighted averages to account for population variances between counties.

Definition of At-Risk Students

The Education Code defines at-risk students in Section 29.081(d) as follows:

- (d) For purposes of this section, “student at risk of dropping out of school” includes:
 - (1) each student in grade levels 7 through 12 who is under 21 years of age and who:
 - (A) was not advanced from one grade level to the next for two or more school years;
 - (B) has mathematics or reading skills that are two or more years below grade level;
 - (C) did not maintain an average equivalent to 70 on a scale of 100 in two or more courses during a semester, or is not maintaining such an average in two or more courses in the current semester, and is not expected to graduate within four years of the date the student begins ninth grade;
 - (D) did not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39; or
 - (E) is pregnant or is a parent;
 - (2) each student in prekindergarten through grade 6 who:
 - (A) did not perform satisfactorily on a readiness test or assessment instrument administered at the beginning of the school year;
 - (B) did not perform satisfactorily on an assessment instrument administered under Subchapter B, Chapter 39;
 - (C) is a student of limited English proficiency, as defined by Section 29.052;
 - (D) is sexually, physically, or psychologically abused; or
 - (E) engages in conduct described by Section 51.03(a), Family Code; and
 - (3) each student who is not disabled and who resides in a residential placement facility in a district in which the student’s parent or legal guardian does not reside, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, or foster family group home.