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**FACT SHEET 2013**

**H.B. 637**

**Keep Kids In School and Out of the School-to-Prison Pipeline**  
*Choose to Preserve the Childhood of Texas' Youth through Improvements  
In Disciplinary Alternative Education Program Placements*

**TEXAS MUST ADDRESS THE UNINTENDED CONSEQUENCES OF DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS**

The Texas Legislature created Disciplinary Alternative Education Programs (DAEPs) to provide students with an appropriate educational setting while they are suspended from school.<sup>1</sup> Unfortunately, due to insufficient oversight, some Texas DAEPs offer students poor programming and inadequate resources.<sup>2</sup>

In fact, in a recent review of four major school districts' DAEPs, the state's Legislative Budget Board identified the following areas of concern: (1) failure to staff DAEPs with certified teachers, (2) failure to provide a learning environment equivalent to mainstream campuses, (3) inadequate training for DAEP instructors and staff, (4) lack of instructional alignment between DAEPs and mainstream campuses, (5) insufficient communication between DAEPs and mainstream campuses, and (6) an absence of transitional programming following a student's return to a mainstream campus after leaving a DAEP.<sup>3</sup> These inadequacies hinder youths' ability to correct their misbehavior, potentially leading to further involvement in the juvenile justice system<sup>4</sup> and, with it, life-altering consequences (e.g., reduced opportunities for employment, military service, or college enrollment).

Texas must re-evaluate the current use of DAEPs, especially in regards to Texas' youngest population: children 10 years of age and under. Placing a child in a disciplinary setting at such a young age not only exacerbates the potential for future system involvement, but also disregards the socially accepted age at which Texas communities have agreed to hold youth responsible for their actions: 10 years old.

**KEY FINDINGS**

- DAEPs do not currently meet the standards under which they were created. Students sent to a DAEP face poor programming, inadequate staff, and a multitude of barriers to successful reintegration to their main campus.<sup>5</sup>
- Students sent to a DAEP are at higher risk for expulsion<sup>6</sup> and dropping out,<sup>7</sup> ultimately increasing the likelihood of their involvement in the juvenile justice system.
- In 2012, over 90,000 youth were placed in DAEPs across the state. More than 2,300 of those placements were of youth under 10 years old, and 364 were under 7 years old.<sup>8</sup>
- According to a 2012 Texas Appleseed report, Texas is spending significant costs on school disciplinary practices. On average, the districts examined in the report spent \$140 per student placed within a DAEP.<sup>9</sup> Given the number of six-year-olds placed in DAEPs in 2012, the state spent approximately \$51,000.

*Continued on reverse.*

## COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 637 BY REPRESENTATIVE GIDDINGS

- **H.B. 637 aims to prevent the stigmatization and other consequences associated with school disciplinary practices by raising the age at which youth can be placed in a DAEP from six to seven years old.** The eventual consequences associated with placing a child in a DAEP – including school expulsion, dropping out, the potential for future system involvement, and barriers associated with a criminal conviction – are only exacerbated for children introduced into DAEP settings at such a young age. Furthermore, the more immediate stigmatization associated with early placement in a disciplinary alternative program can result in ongoing bias and unfair treatment.
- **H.B. 637 aims to address the unnecessary costs of placing kids in DAEPs at such a young age.** Rather than spending high costs on the placement of youth in substandard programs, Texas should invest in more appropriate and cost-effective methods, including positive behavioral interventions and supports, social emotional learning, or restorative justice.

### Citations

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<sup>1</sup> Texas Education Code §37.008.

<sup>2</sup> Texas Appleseed, *Texas' School-to-Prison Pipeline, Dropout to Incarceration: The Impact of School Discipline and Zero Tolerance* (October 2007).

<sup>3</sup> Legislative Budget Board, *Amarillo Independent School District – A Review of the Student Behavior Management System* (2011); Legislative Budget Board, *Dallas Independent School District – A Review of the Student Behavior Management System* (2011); Legislative Budget Board, *Fort Bend Independent School District – A Review of the Student Behavior Management System* (2011); Legislative Budget Board, *Ingleside Independent School District – A Review of the Student Behavior Management System* (2011).

<sup>4</sup> The Council of State Governments Justice Center and the Public Policy Research Institute, *Breaking School Rules: A Statewide Study of How School Discipline Relates to Student's Success and Juvenile Justice Involvement* (July 2011).

<sup>5</sup> Legislative Budget Board, *A Review of Student Behavior Management Systems* (2011).

<sup>6</sup> The Council of State Governments, et al., *Breaking School Rules*.

<sup>7</sup> Texas Appleseed, *Texas' School-to-Prison Pipeline*. "DAEP's have five times the dropout rate of mainstream schools," p. 3.

<sup>8</sup> Texas Criminal Justice Coalition's analysis of data provided by the Texas Education Agency on February 6, 2013.

<sup>9</sup> Texas Appleseed, *Breaking Rules, Breaking Budgets: Cost of Exclusionary Discipline in 11 Texas School Districts* (October 2012).