

Alternative Disciplinary Placements in Texas

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Abstract

The purpose of this study was to conduct archival research, obtained from data maintained by the state of Texas in the Academic Excellence Indicator System (AEIS), of all Texas public school districts for the 2011-2012 academic year, excluding private, charter or magnet schools. The variables utilized in the study were percentages of discretionary disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficient, African American, Hispanic, and white students. The study provided descriptive analysis, examined relationships of all variables to the percentages of disciplinary placements and identified underlying factors and associations. The research conducted included factor analysis. The findings indicated that students of African American heritage and receiving special education services are more likely to receive disciplinary alternative educational placement than their peers of Hispanic or white heritage.

Keywords: minorities, disciplinary placement, African-American

Introduction

Federal and state laws along with local policies and procedures guide the placement of a student into a disciplinary alternative educational program (DAEP). The decision to place a Texas public school student in a DAEP setting is made to provide each student the opportunity to succeed academically, learn from his or her mistakes, and grow in knowledge of acceptable behavioral expectations of the general population campus (Skiba & Peterson, 2000; Texas Education Agency, 2007).

Federal Guidelines

Every state is provided with federal guidelines regarding discipline. Federal laws such as Individuals with Disabilities Act of 1997 (IDEA) reauthorized Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) and the American with Disabilities Act (ADA) provide guidance when discipline is deemed necessary for students with disabilities (U.S. General Accounting Office, 2001; U.S. Department of Education 2006).

Both IDEA and the reauthorized IDEIA provide states and individual school districts with guidance when dealing with students with disabilities in regards to discipline issues and free and appropriate education (FAPE). Hartwig and Ruesch (2000) report that IDEA (1997) addresses how a school's discipline code and free and appropriate education interlock. IDEA (1997) provided direction for schools to utilize proactive measures to insure that all students follow school rules, and gave guidance regarding how students whose behavior significantly violates school discipline codes could be removed from their current placement. Additionally, IDEA provided guidance in the required continuation of services for students who receive a change in educational placement as part of their discipline.

The reauthorization of IDEIA made significant changes regarding discipline procedures for students receiving special education services. States and local school districts were given direction to examine discipline decisions regarding a student with a disability on a case-by-case basis through a manifestation determination (MD) review conducted, in Texas, by the Admission, Review and Dismissal (ARD) Committee if changing a student's placement for more than ten days. The committee reviews all relevant information including the student's individualized education program (IEP). Additionally, information provided by the parent and observations by school personnel is considered. The committee is given the responsibility of examining the student's misconduct and answering two specific questions. First, was the conduct caused by or was there a direct and substantial relationship to the child's disability. Secondly, was the misconduct a direct result of the local education agency's (LEAs) failure to implement the IEP (TEA, 2009a). Additionally, the reauthorization of IDEIA expanded the mandatory suspension infractions to include the infliction of serious bodily injury, clarified the meaning of "change of placement" and "provision of services" as well as established procedures for expedited hearing, and placement of students when discipline decision had been appealed (U.S. Department of Education, 2006).

State Guidelines

Meeting the state expectations regarding policies, procedures, and programs allows the LEA to qualify for educational funding (Burrell & Warboys, 2000). The Texas Legislature creates and amends, as necessary, the state education code to align with federal laws. LEAs are charged with developing discipline policies, procedures, and programs for students with and without disabilities that meet state and federal requirements. Stipulations are placed on what each school district's student code of conduct is to contain.

Texas Education Code (TEC) Chapter 37 extensively addresses various topics ranging from parents rights of notification, behaviors that are mandatory removals, and various placement options. By following the given guidelines, the LEAs can adhere to state and federal directions and yet have local control regarding behavior expected of their students and consequences for infractions against the student code of conduct. The penalty assigned for each discretionary discipline offense varies according to the code of conduct adopted by each school district (Texas Education Agency, 2009b).

District Guidelines

One option a district has for removing students with disruptive behavior is placement in an alternative educational placement. Students having received DAEP placement are held to the minimum academic standards as the peers in their former placement (TEA, 2009a). The student is to be provided educational programs, which allow for continued progress towards achieving grade level essential skills and knowledge as well as gain credit towards graduation (TEA, 2009b). Cortez and Cortez (2009) reviewed all disciplinary placements as reported to the Texas Education Agency during 1996 through 2006. The results of their review indicated that Texas students placed in DAEP scored in both mathematics and reading state assessments significantly below the state averages. Gregory, Skiba, and Noguera (2010) synthesized research on school discipline in regards to racial and ethnic patterns and suggested that suspension or expulsion of students and placement in DAEP potentially contributed to the lack of academic achievement and the increase risk of anti-social behavior. A program designed to give students who are disruptive to the classroom and school environment the ability to continue their education and allow growth and acquisition of knowledge in complying with behavioral expectations may in fact contribute to the student repeatedly facing academic failure, underachievement, frustration, and decreased self-esteem (Miles & Stipek, 2006). Students placed in DAEP, when transitioned back to their home campus, often display higher rates of disruptive behaviors that again lead to multiple DAEP placements (Gregory et al., 2010).

Students Receiving Disciplinary Placements

Students who receive disciplinary placement outside the general classroom can be categorized into two broad groups: those receiving mandatory placement and those receiving discretionary placement. Mandatory placement is dictated for students who have committed at least one felonious offense. Examples of felonious offenses include assault, drugs, weapons, theft, terroristic threat, manslaughter and murder. These students are deemed to be a danger to themselves or others. Cortez and Cortez (2009) reported that twenty percent of students

receiving educational services in Texas DAEPs were placed mandatorily. The infractions of the remaining eighty percent of student receiving discretionary placement infractions include truancy, inappropriate language, or habitual misbehavior.

Foley and Pang (2006) surveyed eighty-four directors and principals of alternative programs for the state of Illinois and found that students attending alternative education programs are from all nationalities. Gregory et al. (2010) found that regardless of the ethnic groups, males are more likely than females to receive discretionary disciplinary placements. African American males have the highest prevalence of receiving disciplinary actions. Gregory et al. indicated that African American males being 16 times more likely to receive suspension from school than white females. Mendez and Knoff (2003) examined data for 142 general education schools within a specific west central Florida school district for the school year 1996-1997 and found that African American girls are suspended three times more often than white or Hispanic females and African American boys are suspended two times more often than white males. Mendez and Knoff also found that the suspension overrepresentation of African American students begins in elementary school. Cortez and Cortez (2009) study of Texas data revealed that one out of every four African American students and one out of two Hispanic students receive suspension or expulsion from general education campus resulting in placement in DAEP.

Cortez and Cortez (2009) additionally found that the Texas data revealed the average length of time a student spends off the general education campus in discretionary placement is approximately 36 educational days. Likewise, students assigned once to DAEP often find themselves assigned multiple times within the same year. In summary, the literature indicates a negative relationship exists between disciplinary placement and academic performance indicating the need for examination of disciplinary placements across all categories of students especially those in the categories of African American, Hispanic, at-risk, limited English proficient, low-socioeconomic, and those receiving special education services.

Statement of the Problem

Texas regulations require that each alternative education program provide five areas of instruction; English language arts, mathematics, science, social studies and self-discipline (Cortez & Cortez, 2009). According to Cortez and Cortez the most vulnerable students are most often placed in DAEP, with teachers who are not qualified or do not have vertically aligned curriculum to keep the student working on the same level as the program from which he or she transferred. Additionally, there may be one teacher certified in a subject who is responsible for providing instruction to students who are at multiple grade and skill levels. According to Foley and Pang (2006) students in DAEP do not have the academic skills to be successful. These concerns raise questions regarding discretionary discipline.

Foley and Pang (2006) reported that in Florida, many DAEPs are housed in hand-me-down facilities belonging to school districts that were abandoned when new facilities were completed. A significant number of the alternative educational programs did not have physical access to facilities such as physical education, library, computer labs, or science laboratories. Students who transition back to the general education campus may find the lack of academic support a detriment to acquiring the academic knowledge required to meet state standards. Failure to obtain the needed knowledge and skills prior to return to the general campus placed the student at higher risk of failure. Thompson and Webber (2010) state:

Although many strategies are available for educators' use in schools to manage students whose challenging behaviors present frequent disciplinary problems, the most familiar disciplinary methods are punitive. Common responses to discipline problems include detentions, suspensions, expulsion, and other forms of punitive punishment (Maag, 2002). However, punitive measures have been shown to have little effect in dissuading students from engaging in disruptive behavior at school (Maag, 2002). In addition, suspension and expulsions are not only exclusionary disciplinary practices, they have been documented to disproportionately penalize minority student and ultimately fail to achieve the intended goal of promoting pro-social decision making (pp. 71-72.)

Students already experiencing academic difficulties may be subjected to double or triple jeopardy in meeting academic expectations. Examination of relationships between or among the categories of at-risk, African American, Hispanic, and those receiving special education services is at once informative and practical in guiding future research and practice.

Purpose of the Study

The purpose of this study was to conduct archival research of all Texas public school districts, excluding charter or magnet schools, utilizing data maintained by the state of Texas in the Academic Excellence Indicator System (AEIS). The study examined relationships between the percentages of disciplinary placements and the percentage of African American, Hispanic, white, socio-economic status, at-risk, limited English proficiency and special education assignment. Additional analysis reviewed these variables to determine underlying correlational relationships between or among the identified variables. These examinations identified potential relationships to disciplinary placements by ethnicity, socio-economic status, at risk, limited English proficiency, and/or special education assignments.

Research Questions

This study answered the following research questions.

1. What are the percentages of (1) disciplinary placements, (2) special education enrollments, (3) economically disadvantaged, (4) at-risk, (5) limited English proficiency, (6) African-American, (7) Hispanic, and (8) white students in Texas public school districts for 2011-12?
2. Do associations exist between or among the percentages of (1) disciplinary placements, (2) special education enrollments, (3) economically disadvantaged, (4) at-risk, (5) limited English proficiency, (6) African-American, (7) Hispanic, and (8) white students for Texas public school districts for 2011-12?

Null and Alternate Hypotheses

The following hypotheses guided this study.

- Ho** No associations exist between or among the percentages of (1) disciplinary placements, (2) special education enrollments, (3) economically disadvantaged, (4) at-risk, (5) limited English proficiency, (6) African-American, (7) Hispanic, and (8) white students for Texas public school districts for 2011-12.
- Ha** Associations exist between or among the percentages of (1) disciplinary placements, (2) special education enrollments, (3) economically disadvantaged, (4) at-risk, (5) limited English proficiency, (6) African-American, (7) Hispanic, and (8) white students for Texas public school districts for 2011-12.

Method of Procedure

This study conducted archival research on the Academic Excellence Indicator System (AEIS) maintained by the Texas Education Agency. District level percentages of disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for the 2011-12 will be extracted with the assistance of online data cutting tools for subsequent analysis. Descriptives of number, mean, standard deviation, minimum, and maximum values for each identified variable will be provided in answer to research question 1. To answer research question 2, factor analysis was utilized to examine associations between the percentage of disciplinary placements and (1) special education enrollments, (2) economically disadvantaged, (3) at-risk, (4) limited English proficiency, (4) African-American, (6) Hispanic, and (7) white students for Texas school districts for 2011-12. The factor analysis employed data reduction techniques to identify underlying latent variables that are reflected in the observed variables. Factors with initial Eigenvalues above 1.0 were considered significant.

Research Question 1

The first research question called for the percentages of each of variables for Texas public school districts for the 2011-12 academic year. Accordingly the required descriptive statistics are provided in Table 1. The observed average percentages for the 1,029 Texas public school districts for 2011-12 were 1.37% disciplinary placements, 9.45% special education enrollments, 58.09% economically disadvantaged, 38.87% at risk, 8.01% limited English proficiency, 6.88% African American, 37.08% Hispanic, and 52.77% white. Again, these rates are the average percentages for all 2011-12 Texas public school districts. The minimum district percentages were of interest for the Hispanic (0.7%) and white (0.2%) enrollments. This is interpreted to mean that every public school district in Texas has at least a minimal Hispanic and white enrollment. Disciplinary placement percentages topped out at 8.2%. The remaining maximum percentages were 25.5% special education enrollments, 100.0% economically disadvantaged, 82.7% at risk, 69.1% limited English proficiency, 85.0% African American, 99.8% Hispanic, and 95.7% white.

Table 1

Percentage of Student Enrollment in Texas Public School Districts 2011-2012

Variable	N	Mean	Std. Dev.	Min.	Max.
Disciplinary Placements	1,029	1.37	1.138	0.0	8.2

Special Education	1,029	9.45	2.605	0.0	25.5
Economically Disadvantaged	1,029	58.09	18.376	0.0	100.0
At Risk	1,029	38.87	13.705	0.0	82.7
Limited English Proficiency	1,029	8.01	9.344	0.0	69.1
African American	1,029	6.88	10.939	0.0	85.0
Hispanic	1,029	37.08	26.833	0.7	99.8
White	1,029	52.77	26.642	0.2	95.7

The skewness and kurtosis of the variables is also provided in Table 2. According to Webstat (2013), hosted by the School of Psychology University of New England, the skewness and kurtosis statistics may be simultaneously examined to provide a relative measure of the normality of the variable distribution. The distribution is considered significantly skewed if the skewness statistic falls below -1 or above 1. The kurtosis is considered to fall outside an acceptable range if the kurtosis statistic falls below 1 or above 5 when normal kurtosis is valued at 3 (Webstat).

Table 2

Interpretation of Skewness and Kurtosis of Variables

Variable	Skewness	Kurtosis	Assessment of Distribution
Disciplinary Placements	1.11	2.09	Not Approximately Normal
Special Education	0.85	3.40	Approximately Normal
Economically Disadvantaged	-0.33	0.06	Not Approximately Normal
At Risk	0.17	0.03	Not Approximately Normal
Limited English Proficiency	2.41	7.73	Not Approximately Normal
African American	3.01	11.83	Not Approximately Normal
Hispanic	0.78	-0.39	Not Approximately Normal
White	-0.40	-0.97	Not Approximately Normal

Analysis indicated that each of the variables with the exception of the special education distribution were non-normally distributed with the percentages of disciplinary placements, special education enrollments, at risk, limited English proficiency, African American, and Hispanic student enrollments all having a positive skewness. Economic disadvantages and white enrollment percentages had a negative skewness. The non-normality of the indicated variables should be noted, as normality assumptions were not met. The sample size for this analysis included 1,029 data points.

Research Question 2

Research question 2 examined underlying associations between or among the percentages of disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for Texas public school districts for 2011-12.

Factor analysis was employed to determine if the percentages of disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for Texas public school districts for 2011-12 could be reduced to a fewer number of factors. A varimax rotation was utilized in the study.

Factor analysis requires satisfaction of several assumptions. The linear relationship of the variables was established with research question 2, thus the assumption of linearity is met. As previously determined, multicollinearity does exist with the percentages of African-American, Hispanic, and white student enrollments. This assumption was not met. A correlation between variables was established in research question 2. Assumptions with the exception of multicollinearity were satisfied.

Initial communalities of all variables were 1.0. Table 3 provides the total variance explained by the model. Two factor components were identified with eigenvalues of 3.751 and 1.523 respectively. These two identified factors explained 65.920% of the variance in the data set. The identification of two factor components with eigenvalues at or above 1.0 rejected the null hypothesis, H_{02} . The alternate hypothesis, H_{a2} , is accepted. Associations exist between or among the percentages of disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for Texas public school districts for 2011-12.

Table 3

Total Variance Explained

Component	Initial Eigenvalues			Extraction Sums of Squared Loadings		
	Total	% of Variance	Cumulative %	Total	% of Variance	Cumulative %
1	3.751	46.883	46.883	3.751	46.883	46.883
2	1.523	19.038	65.920	1.523	19.038	65.920
3	.944	11.797	77.717			
4	.673	8.411	86.128			
5	.502	6.280	92.407			
6	.358	4.471	96.878			
7	.245	3.061	99.939			
8	.005	.061	100.000			

A scree plot is provided in Figure 1. The scree plot visually confirms the percentage of variance in the 8 variables explained by the two identified variables. Factors 3 through 8 did not meet the established threshold with eigenvalues less than 1.0. The slope of the curve does appear to begin leveling out after two factors. Finally, the rotated component matrix provided in Table 4 shows the factor loadings for each identified factor. As identified in Table 4, the first factor was

most impacted by the percentages of economically disadvantaged (.725), at-risk (.795), limited English proficiency (.803), Hispanic (.897), and white (-.911) enrollments.

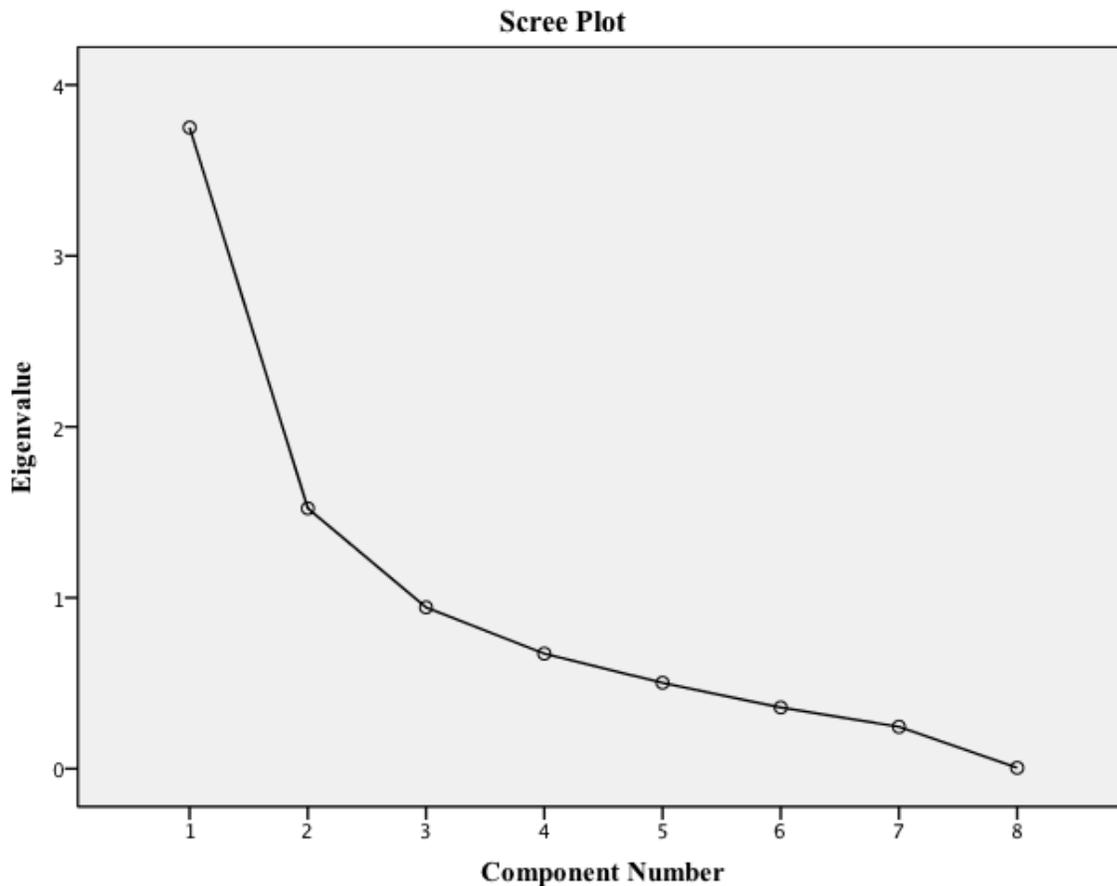


Figure 1
Scree Plot

All identified percentages, with the exception of white, positively contributed to the factor. White enrollment percentages contributed negatively. The first factor related to disconnects from the norm. Accordingly, the factor was identified as the “disconnect factor.” The noted loadings indicate that Hispanic students percentages are strongly tied to economically disadvantaged, at-risk, and limited English percentages. White enrollment percentages are not associated with economically disadvantaged, at-risk, and limited English percentages. The loadings most strongly impacting factor 2 are the percentages of disciplinary placements, special education, and African-American enrollments. All three loadings are positive and contribute to the factor. Factor 2 has been named the “disengagement factor.” Interpretation of the loadings implies that African-American students who are enrolled in special education are linked to the likelihood of disciplinary placement.

Table 4

Rotated Component Matrix

	Component	
	1	2
Disciplinary Placement	.367	.590*
Special Education	-.250	.626*
Economically Disadvantaged	.725*	.405
At-Risk	.795*	.300
Limited English Proficiency	.803*	-.127
African-American	.092	.752*
Hispanic	.897*	-.206
White	-.911*	-.111

In answer to research question 2, the null hypothesis was rejected. Two underlying associations (factors) between or among the percentages of disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for Texas public school districts for 2011-12 were identified. The first of these tied together percentages of economically disadvantaged, at-risk, limited English proficiency, Hispanic, and white enrollments. The second factor joined percentages of disciplinary placements, special education, and Hispanic enrollments. The factors were named the disconnect factor and the disengagement factor.

Implications

A holistic review of this analysis, in light of a district's percentage of disciplinary placements, implies a number of issues related to cultural differences along with a lack of understanding and/or tolerance of students with special needs. Previous research, conducted over the past quarter of a century, has found that African American students receive disciplinary placement at higher rates than their non-African American peers. This study reinforces previous findings. It is unclear as to whether this statistic is a result of misunderstanding of the African American culture as related to the behavior of students or if unrecognized bias against African American students continues to rule disciplinary decisions or other reasons.

At a minimum, school districts need to examine the discipline records for all their students based on ethnicity to determine if the disciplinary sanctions for African American students are balanced when compared to the disciplinary sanctions non-African American students receive. Additionally, disciplinary referrals for all students need to be analyzed to determine if specific teachers and/or administrators initiate the majority of the referrals African American students incur. For teachers who consistently refer more African American students than their peers, training in regards to cultural bias and/or classroom management may be needed. Administrators may also need training or a refresher on recognizing and dealing with cultural bias.

Conclusion

This study was intended to contribute to the body of research regarding disciplinary placement in Texas public school districts. Many strategies exist to intervene and manage student behaviors that present challenges for teachers and administrators and yet the most familiar method is punitive in nature (Thompson & Webber, 2010). Though progress has been made, removal of students from the learning environment continues to be of concern. Cole and Heilig (2011) stated “removals perpetuate a cycle of failure whereby students lose access to educational and social development opportunities, fall further behind and become even greater behavioral concerns when they re-enter school” (Cole & Heilig, 2011, p. 5). Failure to complete high school holds social and economic consequences. Any efforts to lessen the negative consequences associated with student disciplinary removals promised to be a benefit to students and the entire state.

Recommendations for Further Research

Research should be conducted to examine the wide disparity in percentages of disciplinary placements in the public school districts across Texas. This study could examine reasons that some school districts report as many as 8% of the student population receiving disciplinary placements while other districts report no disciplinary sanctions for their student population. Further research should also be completed to examine the infractions leading to disciplinary placement for African American students and for students with disabilities. Additionally, this study could examine the percentage of mandatory infractions and the reasons for the placements as well as those that are discretionary in nature.

References

- Burrell, S., & Warboys, L. U.S. Department of Justice, Office of Justice Programs. (2000). *Special education and the juvenile justice system*. Washington, DC: Department of Justice.
- Cole, H.A. & Heilig, J.V. (2011). Developing a school-based youth court: A potential alternative to the school to prison pipeline. *Journal of Law & Education* 40(2) 1-18.
- Cortez, A. & Cortez, J.D. International Development Research Association, (2009). *Disciplinary alternative education programs in Texas – a 2009 update*. San Antonio, TX: Intercultural Development Research Association.
- Foley, R. & Pang, L.S. (2006). Alternative education programs: program and student characteristics. *High School Journal*, 89, 3, 10-21.
- Gregory, A., Skiba, R.J., & Noguera, P.A. (2010). The achievement gap and the discipline gap; two sides of the same coin?. *Educational Researcher*, 29(1), 59-68.
- Hartwig, E.P., & Ruesch, G. M. (2000). Disciplining students in special education. *The Journal of Special Education*, 22(3) 240-247.
- Mendez, L. M. R., & Knoff, H. M. (2003). Who gets suspended from school and why: A demographic analysis of schools and disciplinary infractions in a large school district. *Education & Treatment of Children*, 26(1), 30-51. Retrieved from <https://www.k12.wa.us/SpecialEd/ProgramReview/Monitoring/Disapportionality/WhoGetsSuspendedandWhy.pdf>
- Miles, S. B., & Stipek, D. (2006). Contemporaneous and longitudinal associations between social behavior and literacy achievement in a sample of low-income elementary school children. *Child Development*, 77, 103-117.
- Skiba, R.J., Michael, R.S., Nardo, A.C., & Peterson, R.L. (2002). The color of discipline: Sources of racial and gender disproportionality in school punishment. *The Urban Review* 24(1). 317-342.
- Skiba, R.J. & Peterson, R.L. (2000). School discipline at a crossroads: From zero tolerance to early response. *Exception Children* 66(3) pp. 335-347
- Skiba, R.J., Peterson, R.L. & Williams, T. (1997). Office referrals and suspension; disciplinary intervention in middle schools. *Education Treatment of Children*, 20(3) 295-315.
- TEA. Texas Education Agency. (2007). Policy research: Disciplinary alternative education program practices. Report #17, August 2007. Retrieved Jan. 2, 2010 from <http://www.tea.state.tx.us/research/pdfs/prr17.pdf>
- TEA. Texas Education Agency, Education Code Subtitle G. Safe Schools Chapter 37 Discipline; Law and Order: Subchapter A. Alternative Settings for Behavior Management (Austin, Texas: Texas Education Agency, 2009a).
- Thompson, A.M. & Webber, K.C. (2010). Realigning student and teacher perceptions of school rules: A management strategy for students with challenging behaviors. *Children & Schools*, 32(2), 71-79.
- U.S. Department of Education, Office of Special Education Programs (2006). *Discipline*. Washington, DC:U.S. Department of Justice. Retrieved from <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2Cpresentation%2C12%2CEd.gov>.
- U.S. General Accounting Office, Report to the Committee on Appropriations, U.S. Senate and House of Representatives. (2001). *Student discipline & IDEA*. (GAO-01-210). Washington, EDC: U.S. General Accounting Office.

Webstat (2013). School of Psychology University of New England. Retrieved March 13, 2012
from

http://www.une.edu.au/WebStat/unit_materials/c4_descriptive_statistics/determine_skew_kurt.html.