



DPC Issue Brief

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for Texans with disabilities.

Title: Discipline of Students with Disabilities

Background: Every Texas school district has one or more DAEPs (Disciplinary Alternative Education Programs) for students who commit certain offenses. Some more serious offenses require mandatory DAEP placements. However, the majority of placements (75%) are for discretionary offenses, which are typically violations of a school's student code of conduct. Since schools are allowed to develop their own codes of conduct, they have almost unlimited discretion to send students to DAEPs. Students with disabilities, especially those with an emotional/behavioral disability, too often end up in DAEPs for "serious and persistent misbehavior."

Though students with disabilities make up only 11% of the school population, they are approximately 25% of the students in DAEP's. In some districts the percentage is much higher. Most are there for serious and persistent misbehavior, offenses which could and should have been dealt with through the provision of positive behavior supports and teacher training. However, the option of DAEP placement has become too easy and too tempting.

Another equally egregious problem for this same population of students is the issuing of "tickets" that require the parent and student to appear in juvenile and/or municipal court. If the parent cannot hire an attorney, the result is typically a fine to be paid by the parent and/or community service for the student. Again, the "offenses" are often ones that could and should have been handled by the school district. Districts are not required to keep data on the number of students it has ticketed.

School districts should significantly reduce the number of students with disabilities who are removed from regular classrooms and campuses to Disciplinary Alternative Education Programs (DAEP's) and/or given tickets for minor infractions that should have been handled by the school through the use of Positive Behavior Supports, effective Behavior Intervention Plans, and adequate teacher training.

Recommendation: The Disability Policy Consortium recommends that the Texas Legislature to amend Chapter 37 of the Texas Education Code as needed to:

- Require school districts considering the removal of a student with a disability to a DAEP for a violation of the Student Code of Conduct to first determine whether the student's disability impaired his/her capacity to understand the wrongfulness of their conduct;
- Require school districts to report to TEA the number of students with disabilities given tickets for misbehavior at school. The report should identify the student's disability and the behavior for which he/she was ticketed;
- Require school resource officers and other school-based police who are used to enforce school discipline policies to participate in training developed by the Texas Commission on Law Enforcement Standards and Education (TCELOSE) on de-escalation techniques and other alternatives to physical restraint when intervening with a student with a disability. The legislature should allocate resources to TCELOSE to develop this training; and
- Require TEA to analyze the data it collects on DAEP placements to identify those campuses and districts that place students with disabilities in DAEPs for discretionary offenses at a higher rate than the incidence of disability at the sending campus or in the district. The list of those campuses and districts should be made available to the public through the TEA's website.

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MEMBER ORGANIZATIONS: *Statewide Members:* Advocacy, Incorporated, Brain Injury Association of Texas, Coalition of Texans with Disabilities, Epilepsy Coalition of Texas, The Institute for Disability Access/ADAPT, Lone Star Association for Persons in Supported Employment, Mental Health Association in Texas, National Alliance for the Mentally Ill of Texas, National Multiple Sclerosis Society of Texas, Texas Advocates, Texas AIDS Network, Texas Association of Centers for Independent Living, Texas Association of the Deaf, Texas Center for Disability Studies/ Texas Technology Access Project, Texas Council for Developmental Disabilities, Texas Federation of Families for Children's Mental Health, Texas Legal Services Center, Texas Mental Health Consumers, Texas State Independent Living Council, Texas State Sickle Cell Disease Association of America, The Center on Disability and Development at Texas A&M University, Council for Families for Children, United Cerebral Palsy of Texas, The Spina Bifida Association of Texas, Inc., and the Depression and Bipolar Support Alliance of Texas. *Local Members:* Epilepsy Foundation Central & South Texas. REACH Resource Centers on Independent Living – Dallas, Fort Worth and Denton, Corpus Christi Committee for Persons with Disabilities, Goodwill of Central Texas and Coastal Bend Center for Independent Living

Allies: Children's Mental Health Consortium and Unlocking Autism