

PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING  
DISCIPLINARY ALTERNATIVE EDUCATION PROGRAM OPERATIONS

FOCA  
(LEGAL)

A disciplinary alternative education program (DAEP) is an educational and self-discipline alternative instruction program, adopted by local policy, for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP. *19 TAC 103.1201(a)*

[See board-adopted Student Code of Conduct for information regarding DAEP.]

**Joint/Contracted  
DAEP**

A district may provide a DAEP jointly with one or more other districts or may contract with third parties for DAEP services. The district must require and ensure compliance with district responsibilities that are transferred to the third-party provider. *Education Code 37.008(d); 19 TAC 103.1201(d)*

A DAEP may provide for a student's transfer to a different campus, a school-community guidance center, or a community-based alternative school. *Education Code 37.008(b)*

**Community  
Organizations**

A district shall cooperate with government agencies and community organizations that provide services in the district to students placed in a DAEP. *Education Code 37.008(e)*

**Shared Service  
Arrangements**

A district that participates in a shared service arrangement for DAEP services shall ensure that the district improvement plan and each campus-level plan include the performance of the DAEP student group for the district in accordance with 19 Administrative Code 103.1201(b) [see BQ]. *19 TAC 103.1201(b)*

**Funding**

A student removed to a DAEP is counted in computing a district's average daily attendance for the student's time in actual attendance in the program. *Education Code 37.008(f)*

A district shall allocate to a DAEP the same expenditure per student attending the DAEP that would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program. *Education Code 37.008(g)* [See also EHBC(LEGAL), Limit on DAEP Expenditures]

**Location**

A DAEP shall be provided in a setting other than the student's regular classroom. *Education Code 37.008(a)(1)*

A DAEP may be located on-campus or off-campus in adherence with requirements of the *Student Attendance Accounting Handbook*. For reporting purposes, the DAEP shall use the county-district-campus number of the student's locally assigned campus (the campus the student would be attending if the student was not at-

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tending the DAEP). *19 TAC 103.1201(c); Education Code 37.008(a)(2)*

An off-campus DAEP is not subject to a requirement imposed by the Education Code, other than a limitation on liability, a reporting requirement, or a requirement imposed by Education Code Chapter 37 or Chapter 39 or 39A. *Education Code 37.008(c)*

An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. The designation of elementary and secondary is determined by adopted local policy. *Education Code 37.006(f); 19 TAC 103.1201(h)(1)*

Students who are assigned to the DAEP shall be separated from students who are not assigned to the program. Notwithstanding this requirement, summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.

Students in the DAEP shall be separated from students in a juvenile justice alternative education program.

*Education Code 37.008(a)(3), (c); 19 TAC 103.1201(f)(3), (h)(3)*

**Safety**

A district is responsible for the safety and supervision of the students assigned to the DAEP; however, the immunity from the liability established in Education Code 22.0511 [see DG], shall not be impacted. The DAEP staff shall be prepared and trained to respond to health issues and emergencies.

Each district shall establish a board-approved policy for discipline and intervention measures to prevent and intervene against unsafe behavior and include disciplinary actions that do not jeopardize students' physical health and safety, harm emotional well-being, or discourage physical activity.

*19 TAC 103.1201(h)*

**Staffing**

A DAEP shall employ only teachers who meet certification requirements under Education Code Chapter 21, Subchapter B. The certified teacher-to-student ratio in a DAEP shall be one teacher for each 15 students in elementary through high school grades. *Education Code 37.008(a)(7); 19 TAC 103.1201(h)(1)*

Staff at each DAEP shall participate in training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:

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1. Training on the education and discipline of students with disabilities who receive special education services;
2. Instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, and conflict resolution to teach students how to interact with teachers, family, peers, authority figures, and the general public; and
3. Annual training on established procedures for reporting abuse, neglect, or exploitation of students.

*19 TAC 103.1201(i)*

**Entrance Procedures** Procedures for each DAEP shall be developed and implemented for newly entering students and their parents or guardians on the expectations of the DAEP. These procedures shall include written contracts between students, parents or guardians, and the DAEP that formalize expectations and establish the students' individual plans for success. *19 TAC 103.1201(j)*

**Academics** The academic mission of DAEPs shall be to enable students to perform at grade level. A DAEP shall focus on English language arts, mathematics, science, history, and self-discipline. *Education Code 37.008(a)(4), (m)*

A district shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education services. A student's required high school personal graduation plan [see EIF] may not be altered when the student is assigned to a DAEP.

**Opportunity to Complete Course** A district shall offer a student removed to a DAEP an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal, before the beginning of the next school year, through any method available, including a correspondence course, distance learning, or summer school. The district may not charge the student for a course provided under this provision.

*Education Code 37.008(l); 19 TAC 103.1201(f)*

A district shall provide the parents of a student removed to a DAEP with written notice of the district's obligation to provide the student with an opportunity to complete coursework required for graduation. The notice must include information regarding all methods available for completing the coursework and state that the methods are available at no cost to the student. *Education Code 37.008(l-1)*

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School Day	The school day for a DAEP shall be at least 240 minutes in length each day, including intermissions and recesses. <i>19 TAC 103.1201(f)(2)</i>
<b>Accountability</b>	The campus of accountability for student performance must be the student's locally assigned campus, including when the district or shared services arrangement contracts with a third party for DAEP services. <i>19 TAC 103.1201(e)</i>
<b>Academic Assessments</b>	<p>A district shall administer to a student placed in a DAEP program for a period of 90 school days or longer an assessment instrument:</p> <ol style="list-style-type: none"><li>Initially on placement of the student in the program; and</li><li>Subsequently on the date of the student's departure from the program, or as near that date as possible.</li></ol> <p>The assessment instrument:</p> <ol style="list-style-type: none"><li>Must be designed to assess at least a student's basic skills in reading and mathematics;</li><li>May be:<ol style="list-style-type: none"><li>Comparable to any assessment instrument generally administered to students placed in juvenile justice alternative education programs for a similar purpose; or</li><li>Based on an appropriate alternative assessment instrument developed by the agency to measure student academic growth; and</li></ol></li><li>Is in addition to the required state assessments [see EKB].</li></ol> <p><i>Education Code 37.0082</i></p> <p>Released state assessments for reading and mathematics for the appropriate grade may be used. A district may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills for reading and mathematics for the student's assigned grade. The commissioner will publish on the Texas Education Agency (TEA) website a list of assessments approved for use in each school year. A district may contact TEA to obtain accommodated versions of particular assessments.</p> <p>The grade level of an assessment shall be based upon the academic grade completed prior to the student being assigned to a DAEP if placement occurs in the fall or first semester of the academic school year. If placement occurs in the spring or second semester of the academic school year, the student shall be administered an assessment based on the current grade level.</p>

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Each district shall provide an academic report to the student's locally assigned campus, which shall include the pre- and post-assessment results of the student's basic skills in reading and mathematics, within 10 school days of the student completing the post-assessment.

Procedures for administering the pre- and post-assessment, including appropriate accommodations as needed, shall be developed and implemented in accordance with local district policy.

A student in the district's DAEP must also be assessed under the required state assessment [see EKB].

*19 TAC 103.1203*

**Special Populations**

Special Education

A DAEP serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the individualized education program (IEP) established by a duly-constituted admission, review, and dismissal (ARD) committee, in accordance with Education Code 37.004 and federal requirements. *19 TAC 103.1201(g)*

Drug and Alcohol  
Treatment

A program of educational and support services may be provided to a student and the student's parents when the offense involves drugs, e-cigarettes, or alcohol as specified under Education Code 37.006 and 37.007. A DAEP that provides chemical dependency treatment services must be licensed under Health and Safety Code Chapter 464. *Education Code 37.008(k)*

**Transition to Regular  
Classroom**

The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented as required by Education Code 37.023. *19 TAC 103.1201(k)*

Definitions

"Alternative education program" includes:

1. A disciplinary alternative education program operated by a school district or open-enrollment charter school;
2. A juvenile justice alternative education program; and
3. A residential program or facility operated by or under contract with the Texas Juvenile Justice Department, a juvenile board, or any other governmental entity.

"Licensed clinical social worker" has the meaning assigned by Occupations Code 505.002.

*Education Code 37.023(a)*

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After Determination  
of the Release Date

As soon as practicable after an alternative education program determines the date of a student's release from the program, the alternative education program administrator shall:

1. Provide written notice of that date to:
  - a. The student's parent or a person standing in parental relation to the student; and
  - b. The administrator of the campus to which the student intends to transition; and
2. Provide the campus administrator:
  - a. An assessment of the student's academic growth while attending the alternative education program; and
  - b. The results of any assessment instruments administered to the student.

*Education Code 37.023(b)*

Coordination After  
Release

Not later than five instructional days after the date of a student's release from an alternative education program, the campus administrator shall coordinate the student's transition to a regular classroom. The coordination must include assistance and recommendations from:

1. School counselors;
2. School district peace officers;
3. School resource officers;
4. Licensed clinical social workers;
5. Campus behavior coordinators;
6. Classroom teachers who are or may be responsible for implementing the student's personalized transition plan; and
7. Any other appropriate school district personnel.

*Education Code 37.023(c)*

Personalized  
Transition Plan

The assistance described above must include a personalized transition plan for the student developed by the campus administrator. A personalized transition plan:

1. Must include:
  - a. Recommendations for the best educational placement of the student; and

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- b. The provision of information to the student's parent or a person standing in parental relation to the student regarding the process to request a full individual and initial evaluation of the student for purposes of special education services under Education Code 29.004 [see EHAA]; and
- 2. May include:
  - a. Recommendations for counseling, behavioral management, or academic assistance for the student with a concentration on the student's academic or career goals;
  - b. Recommendations for assistance for obtaining access to mental health services provided by the district or school, a local mental health authority, or another private or public entity; and
  - c. A regular review of the student's progress toward the student's academic or career goals.

*Education Code 37.023(d)*

Parent Meeting

If practicable, the campus administrator, or the administrator's designee, shall meet with the student's parent or a person standing in parental relation to the student to coordinate plans for the student's transition.

Applicability

Education Code 37.023 applies only to a student subject to compulsory attendance requirements under Education Code 25.085 [see FEA].

*Education Code 37.023(e)-(f)*