

An Analysis of Disciplinary Alternative Education Programs in Texas:

The Role of School Districts' Wealth, Location and Size

By

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Abstract

Purpose: The purpose of this research is to examine 1) the influence of Texas school district wealth, student population, and geographical location on referral of minority students to Disciplinary Alternative Educations Programs (DAEPs), as well as 2) the influence of Texas school district wealth, student population, and geographic location on student discretionary assignments to DAEPs. *Methods:* Archival and aggregated data on DAEP characteristics were obtained from 207 Texas DAEPs and their corresponding school districts (2009-2010). Multiple regression analysis was used to analyze the data and test the formal hypotheses. *Results:* Regression analysis revealed that wealth and percentage of white students in school districts had significant impact on the percentage of minority students referred to DAEPs. However, this relationship was not observed in discretionary referrals. Geographical location did not significantly impact the percentage of minority students assigned to DAEPs, but rural and midsize areas showed some significance on the percentage of discretionary referrals to DAEPs. *Conclusion:* Contrary to popular belief suggesting discrimination against minority students in referrals to DAEP, this research suggest otherwise. Evidence from this study found no discrimination against minority students' referrals to DAEPs in Texas school districts. Wealth has considerable effect on the percentage of minority students assigned to DAEPs but no significant impact on the percentage of discretionary referrals to DAEPs. Rural and Midsize areas are more likely to make discretionary referrals to DAEPs.

About the Author

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Chapter 1

Introduction

In 1995 the 74th Texas legislature enacted the Texas Safe Schools Act requiring all Texas public school districts to provide Disciplinary Alternative Education Programs (DAEPs) to their students (Policy Research 2007). Senate Bill 1 was adopted following the recommendations of the Federal Gun Free School Act of 1994 requiring states around the country to implement zero tolerance policies in response to perceived increases in school violence across the nation. The Texas Safe Schools Act is now found under Chapter 37, Section 37.001-37.002 of the Texas Education Code (TEC). Chapter 37 defines DAEPs by physical setting and sets requirements pertaining to curriculum and teachers (Policy Research 2007).

Disciplinary Alternative Education Programs (DAEPs) serve as alternatives to suspensions or expulsions among students that are highly disruptive to the education of other students (Cortez and Cortez 2009; Levin 2006). The purpose of these programs is to provide temporary student placement for behavior management through mandatory or discretionary referrals. Mandatory placements in DAEPs are for offenses defined in Chapter 37 of the Texas Education Code, while discretionary placements fall under violations of school districts' codes of conduct. Since DAEPs started in 1996, the number of student assigned and the length of stay have grown.

During the 1996-1997 school year, 70,958 students received DAEP assignments, with an average of 20 days in the program (Cortez and Cortez 2009, 6). These numbers increased to 128,319 DAEP assignments for the year 2005-2006, with an average stay of 36 days (Cortez and Cortez 2009, 6; Policy Research 2007, 4). An update on DAEPs from the Intercultural Development Research Association (IDRA) reported that four out of five students in DAEPs in

2009 were transferred through discretionary placements based on less serious offenses: “what used to be handled through classroom management is now being managed by removing... students” to DAEPs (Cortez and Cortez 2009, 6). Students as young as six years old have been removed from their kindergarten classes and sent to DAEPs for ‘discipline’ problems (Cortez and Cortez 2009, 4). In 2004 discretionary placement were 82 percent of all placements, while mandatory assignments were 18 percent (Reyes 2007, 87).

Further, the literature on Disciplinary Alternative Education Programs (DAEPs) has also been quick to highlight the issues that such programs present for its student population. Researchers examined student academic achievement in DAEPs (Cobb 2008; Moger 2010), finding them to be academically disadvantaged compared to their peers in regular schools. Tsang (2004) examined the effects of DAEPs on student behavior, finding that many students placed in DAEPs are more likely to be disruptive and sent back to the alternative school after they return to their home campus. However, one of the primary issues, according to the literature, is the overrepresentation of minority students - mainly African Americans and Hispanics (Johnson 2006; Skiba, et al. 2002; Skiba & Noguera 2010; Reyes 2007; Foley & Pang 2006; Mendez & Knoff 2003).

In 2006 Melanie J. Johnson examined the way that students were referred for disciplinary action, specifically regarding ethnicity, using data from the 2003-2004 school year among school districts located in the area of the Texas Region Education Services Center - Region 4. The results indicated that African American students were overrepresented in DAEPs compared to White students. Marbley et al. (2011, 89) found the same trend during the 2004-2005 school year: 48 % of DAEP placements were Hispanic, 25.8% were African American, and 25.2% were White students.

So far, however, the literature of DAEPs has failed to look closely at wealth, geographical location, and student enrollment of school districts as a way of evaluating minority student referrals to DAEPs under discretionary assignments. Thus, the purpose of this study is to examine 1) the influence of wealth, student population, and geographical location of Texas School districts on referral of minority students to Disciplinary Alternative Education Programs (DAEPs), as well as 2) the influence of wealth, student population, and geographic location of Texas school districts on student discretionary assignments to DAEPs.

Summary of Contents

This study is divided into six chapters. Chapter 1 provides a research background and the purpose of the study. Chapter 2 explores the scholarly literature produced to date on school discipline around the country and in Texas. This chapter focuses on the practice of zero tolerance policies in school districts that enable the implementation of Disciplinary Alternative Education Programs (DAEPs). This chapter also discusses the unintended consequences on minority students and examines the relationship between finance, discipline, geographical location, and school discipline in Texas school districts. Chapter 3 focuses on Disciplinary Alternatives Education Programs (DAEPs) in Texas. It discusses the Safe School Act of 1995 that mandated the creation of DAEPs. The types and terms of student referrals will be examined as well as the student population of DAEPs. Chapter 4 explains the methodology used to test the hypotheses developed for this research. Chapter 5 presents the statistical results of multiple regression used to analyze the data and test the hypotheses. Finally, the concluding chapter provides some recommendations for future research and policy orientation.

Chapter II

Literature Review

The purpose of this chapter is to review relevant literature on school discipline and school funding related to discipline. This chapter focuses first on historical development in school discipline, the implementation of zero tolerance policies, and the impact of such policies on minority students in the U.S. Second, the use of mandatory and discretionary referrals of minority students for disciplinary actions are examined. Finally, this chapter looks at the existing differences between rich and poor school districts pertaining to school discipline, as well as differences according to the geographical locations of school districts.

Law and Discipline: Historical Development

School Discipline in the 1950s through 1980s

During the 1950s through the 1980s, the matter of school discipline was left to local officials or school district administrators. School discipline was “accomplished through teacher administered discipline, corporal punishment, and administrative proceedings” (Hanson 2005, 298). A growing social concern with individual human rights in the 1960s forced school officials to revisit school disciplinary actions. According to Hanson, “corporal punishment was found to be less acceptable and less effective in the 1960s”(298). In the late 1970s and early 1980s, school officials began using “in-school suspensions as an alternative to exclusionary policies following lawsuits such as *Goss v. Lopez*, which challenged expulsions and suspensions on due process” (Insley 2002, 1046). In-school suspensions and expulsion were used to remove disruptive students from classrooms (Hanson 2005; Insley 2002). Moreover, Hanson (2005, 299) argued that “in-school suspension was, perhaps, more humane than expulsion and removing the student

from school.” Students assigned to in-school suspension could work on their academic assignments, while those expelled from schools halted their academic work.

In the mid-1980s the crime rate in the US increased steadily by 4% until 1991 (Policy Research, 1994). This increase was also tied to school violence, and school officials were pressured to rethink their disciplinary measures. Schools began abandoning rehabilitative discipline programs in favor “get tough” policies (Insley 2002). In 1989 schools most affected by school violence in Orange County, California and Louisville, Kentucky began using zero tolerance policies (Hanson 2005; Policy research 1994). In New York, for example, Hanson (2005) revealed that Donald Batista, superintendent of the Yonkers school system, applied a zero tolerance policy to disruptive students. These “drastic” measures gained popularity in the mid-1990s with the adoption of the Gun Free School Act in 1994, which mandated the application of zero tolerance policies for firearms in all fifty states (Verdugo, 2002).

Zero-Tolerance Policies Beginning 1990s

The term “Zero-Tolerance” refers to “school or district-wide policies that mandate predetermined and typically harsh consequences or punishments (such as suspension and expulsion) for a wide variety of broadly defined school rule violations” (Hanson 2005, 301). “Zero-tolerance” grew out of federal and state drug enforcement policies of the 1980s (Hanson 2005; Skiba & Peterson 1999; Stader 2004). The term was first used in 1986 by the U.S. attorney General in San Diego, California to define a program aimed at drug trafficking. In 1988 the U.S. Attorney General embraced the philosophy of zero tolerance and ordered custom agents to seize vehicles used in transporting drugs across the U.S. borders (Vertugo 2002, 52). In 1994 the Clinton Administration enacted the Gun-Free Schools Act (GFSA) (PL 103-227) in response to a

perceived increase in school violence across the nation. The Act aimed at reducing school violence in the U.S. with stiff punitive disciplinary actions for possession of a gun or weapon on school grounds. The legislation mandated, for instance, “schools expel students for no less than a year if it is determined by a hearing officer that the student brought a gun to school” (Casella 2003, 874). However, the law also permits the “chief administrative officer” to modify decisions on a case by case basis. The clause in the Act states, a “state shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis” (Insley 2002, 1046). This “administrative discretion was to be the moderating influence over an otherwise severe disciplinary response” (Sughrue 2003, 241).

In order to encourage each state to apply the new law, the federal government threatened to withhold any federal funding to school districts lacking a “zero-tolerance” policy, while promising fiscal incentives to those with such policy in effect (Policy Research 1994; Skiba & Peterson 1999). For instance, \$75 million in grants was distributed to local schools to fight crime in the FY 1994, and in 1995 \$100 million was funneled to school districts most troubled by crime (Policy Research, 1994).

Vertugo (2002) revealed that the majority of schools in the United States had some sort of zero-tolerance policy in effect for the 1993-1994 school year. Those policies were not well structured or well defined. In late 1995, however, all states had legislation aligned with the Gun Free Schools Act (GFSA), and local authorities were required to comply with the implementation of zero-tolerance policies (Hanson 2005; Vertugo 2002). Most states mirrored their zero tolerance policies on the provisions found in GFSA regarding weapons, but they went further by expanding the coverage to a wide range of student misconduct (Hanson 2005). School yard fights, possession of prescription drugs, possession of tobacco or alcohol, verbal abuse, and

even chronic tardiness were subject to mandatory suspension or expulsion under zero tolerance policies (Sughrue 2003).

Sughrue (2003, 242) reported, “fifteen states and the District of Columbia crafted statutes that incorporated mandatory expulsion, mandatory referral of the student to justice officials, and authorization of the Location Education Agency’s (LEA) chief administrating officer to reconsider expulsion recommendations on a case-by-case basis.” For instance, “twenty seven states did not include the GFSA provision requiring students who bring firearms to schools to be reported to the criminal or juvenile justice system,” but did require the expulsion of such students (Sughrue 2003, 242). Four states had general provisions for expulsion but did not modify these provisions to specify firearms. In Arizona and Colorado, drug possession, ongoing open defiance, and disrupting conduct can earn students automatic expulsion (Sughrue 2003, 243). According to Insley (2002), only a limited number of states made alternative education programs available for suspended and expelled students.

Texas, Connecticut, Hawaii, and Kentucky are among the states that provide Disciplinary Alternative Education Programs as an alternative under zero tolerance policies. For instance, Texas enacted the Safe Schools Act in 1995 and required school districts to establish Disciplinary Alternative Education Programs for students who committed certain disciplinary violations or criminal offenses (Levin, 2006; Johnson 2006). The Texas Education Agency explained its decision in terms of demand from unionized educators dissatisfied with the provisions of chapter 37, which relates to removing students considered disruptive from classrooms (Johnson 2006, 23). Chapter 37 of The Texas Education Code (TEC) defines offenses, dividing them into two categories: mandatory and discretionary.

In 1999, while examining how well zero tolerance addresses the issues of school safety, Skiba and Peterson reported that offenses such as drugs and weapons - which provided the support for the implementation of zero tolerance policies - were at the bottom of school administrators concerns. The authors mentioned a study conducted by the National Center for Education and Statistics (NCES), which “surveyed 1,234 school principals or disciplinarians at the elementary, middle and high school levels in the U.S.” The survey asked principals to list what they considered serious or moderate problems in their schools. The result showed that the most frequently cited violations included “less violent behaviors such as tardiness (40%), absenteeism (25%), and physical conflicts between students (21%).” Incidents critical to school safety debates were reported at the bottom of school principal lists: “drug use (9%), gangs (5%), possession of weapons (2%) and physical abuse of teachers (2%)” (Skiba and Peterson 1999, 374).

The effects of zero tolerance policies on minority students

Research on school discipline has consistently revealed overrepresentation of minority students in school disciplinary actions. One of the first studies to bring national attention to the overrepresentation of minority students in school discipline was research conducted by the Children’s Defense Fund in 1975. The study analyzed national data on school discipline, provided by the U.S Department of Education Office of Civil Rights (OCR), finding that school suspension rates for African American students were higher than those of white students on a variety of measures (Skiba 2002, 319). Of the 3,000 school districts in the study, the Children’s Defense Fund (CDF) reported, more than two thirds of suspended students were African

American. Also, they were more likely to be suspended more than once as compared to white students (Skiba & Peterson 1999; Skiba 2002).

During the 1970s national estimates suggested one million students missed at least one day of school due to out-of-school suspension or expulsion. In the 1990s the number increased to 3.1 million (Skiba et al. 2010, 1073). Since the adoption and implementation of zero tolerance policies in 1994 and 1995, the number of students counted for disciplinary actions have increased substantially. The trend for African Americans and Hispanics increased as school districts embraced more stringent ‘one size fit all’ disciplinary laws (Hanson 2005; Verdugo 2002; Kajs 2006).

In 1997 Morrison and D’Incau conducted research on the characteristics of students recommended for expulsion under zero tolerance policy from one suburban school district in the nation. The authors examined the district’s expulsion files over a two year period. One of their findings showed that the number of students being recommended for expulsion had significantly increased from one year to another. Moreover, they reported that students expelled from schools the most were 8th through 12th graders. They also found that a large percentage of expelled students were poor minority students (mainly African American), as well as students with poor academic records (Morrison and D’Incau 1997).

Costenbader and Markson (1998) conducted a survey on school suspension using 620 middle and high school students in two school districts. One district was located in an inner city, and the other was in a rural town. Based on the demographics of the participants, the authors found that black students and males were overrepresented among students who reported being internally or externally suspended at least once. Students also reported that suspension did not help, and they were more likely to be suspended again (Costenbader and Markson 1998).

In “The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?”(1999), Skiba and Peterson reported the same results as Costenbader and Markson (1998). They argued that since the adoption of the zero tolerance policies, minority students have been disproportionally referred for school discipline.

Fenning and Rose (2007) reported a negative effect of zero tolerance on minority students in Michigan. The author argued that the application of zero tolerance disproportionately targets African American and Latino students. A school year report issued by the Center for Educational Performance and Information (a Michigan state agency) stated that black students are expelled at a rate nearly double their student population in the state. Moreover, they are also expelled for longer periods than their Caucasian classmates (Fenning 2007, 335). For instance, African American students represented 20% of the student population but received 38% of all suspensions. White students, on the other hand, were underrepresented, based on their share of the student population (73%) (Fenning and Rose 2007, 336).

For the 2001-2002 academic year, the Texas Education Agency reported in its Comprehensive Annual Report the same pattern in school suspension and expulsion. According to the report, African American students comprise about 14% in the state but represent almost 23% of the student population of Disciplinary Alternative Education Programs (DAEPs). White students were disproportionally underrepresented, accounting for only 35% of enrollment in DAEPs (Johnson 2006). Ten years later the 2010 Comprehensive Annual Report revealed that minority students were still overrepresented in DAEP referrals during the 2008-2009 school year. For instance, in 6th grade 28.2% of black students were assigned to DAEPs but only represented 14.1% of the student population; 53% of DAEP students were Hispanics, and 47.2%

of the normal student populations were Hispanic; White students were 18% in DAEPs and 34.7% of the normal student population (TEA 2010b).

Factors such as social economic status, race, and school factors (teacher's perception of loss of control), as well as high poverty/high crime neighborhoods, were examined to explain ethnic representation in school discipline. According to Gregory et al., "such characteristics likely account for some proportion of the gap in sanctions across groups. Yet there is no evidence to suggest demographic factors are in any way sufficient to explain away the gap" (2010, 60). In "The Color of Discipline: Sources of Racial and Gender Disproportionality in School Punishment"(2002), Skiba et al. (2002) examined discipline data from an urban Midwestern public school district. The district is located in one of the largest cities in the U.S. and served over 50,000 students in the 1994-1995 academic year. The authors analyzed data for middle school students pertaining to suspensions, office referrals and expulsions, focusing on race, gender, and socio-economic status. Controlling for socio-economic status and others factors influencing student behavior, African American students were still overrepresented in school discipline actions. However, disproportionality itself "is not sufficient to prove bias in the administration of discipline" (Skiba et al. 2002, 333).

Fenning and Rose, in "Overrepresentation of African American Students in Exclusionary Discipline: The Role of School Policy" (2007), argued that teacher perceptions of "loss of control" can explain the disproportionate referral of minority students for disciplinary actions. The authors examined the literature and found a similar pattern of overrepresentation of minority students. The studies examined by Fenning and Rose revealed that students were removed from classrooms "for minor and nonviolent offenses, such as talking in class or defiance"(550). Furthermore, teachers reported a fear of losing control of the classroom. The authors

recommended school-wide professional development, fostering cultural competence by raising “awareness on how students’ comments in the classroom may be misinterpreted and escalated into a disciplinary exchange”(552).

Lastly, the application of zero tolerance policies, with predetermined consequences (or a one-size fit all approach), has had some negative effects on academic achievement, perceptions of school, and dropout rates. In one of its reports on suspensions and expulsions, the National School Boards Association (NSBA) reported that “suspended students lose valuable instruction and are likely to distrust the authority that has rejected them” (Cerrone 1999, 52). Further, the NSBA cautioned that “traditional approaches - such as punishment, removing troublemakers, and similar measures - often harden delinquent behavior patterns, alienate troubled youths from the schools, and foster distrust” (Cerrone 1999, 52).

According to Morrisson and D’Incau (1997) students recommended for out-of-school suspensions and expulsion are the most vulnerable to failure. Participants in their study had an average GPA of 1.45 or a D+ average. Scores in reading, math, and language were 43.6, 38.0 and 38.6, respectively (Morrisson and D’Incau 1997, 325). The Texas Education Agency reported that students sent to disciplinary alternative education programs scored lower in TAKS tests than students in a regular school setting. For instance, among students placed in DAEPs for suspensions between 1 to 30 days, 42.0% met the standard; during a period of 31 to 60 days, 35.9% met the standard; for periods of more than 60 days, 28.5% passed the TASK tests (TEA 2010b).

Mandatory versus Discretionary Referrals for Disciplinary Actions

The Gun Free School Act of 1994 mandated the immediate expulsion of students found to be in possession of a weapon in school. All 50 states across the country followed suite, adding other violations such as drugs, alcohol, illegal trafficking of persons, homicide, kidnapping, and assault - on or off campus - to the list of mandatory suspensions and expulsions (Levin 2006). Meanwhile, states also allowed students to be removed from classrooms through discretionary placements, due to violations of schools codes of conduct. Levin (2006) and Johnson (2006) reported that school officials were given the responsibility to decide on any discretionary removal of a student. According to Levin (2006), districts have virtually unlimited discretion to refer students for suspensions for any disciplinary infraction.

Mendez and Knoff (2003) analyzed suspensions data from the 1996-1997 school year in a large culturally diverse school district in West-Central Florida. The authors examined the data based on race, gender, school level, and infraction type. They found that 90% of students suspended in their sample were referred through discretionary placements for that year. Students in the study were suspended for infractions such as: “disobedience/insubordination (20%), disruption (13%), fighting (13%), inappropriate behavior (11%), noncompliance with assigned discipline (7%), profanity (7%), disrespect (6%), tobacco possession (4%), battery (3%), threat/intimidation (2%), left class without permission (2%).” More serious offenses requiring mandatory suspension or expulsion were at the bottom with weapons at 0.7%, narcotics possession at 0.6%, sexual harassment at 0.6%, and alcohol possession at 0.3% (Mendez and Knoff 2003, 40). Once infractions were distributed across race, the authors reported that black students were suspended for “disruptive behaviors, fighting, inappropriate behavior, battery, threat/intimidation, left class or campus without permission and sexual harassment” (Mendez and

Knoff 2003, 40). Costenbader and Markson (1998) reported the same results in their study. They found that students were suspended for a variety of reasons: 1) fighting/physical aggression, 2) talking back to school staff, 3) use of obscene language (“bad words”), 4) late to school or to class, 5) leaving classroom without permission, 6) leaving building without permission, 7) possession of a weapon (gun, knife, club), 8) possession of drugs or alcohol, and 9) did not complete written work.

On the other hand, Verdugo (2002) reported that white students tended to be suspended for more serious offenses such as weapons and drugs, while blacks students were suspended for ambiguous reasons such as disrespectful or threatening appearance (Verdugo 2002, 60). However, all these offenses are classified under discretionary offenses.

In Texas offenses qualifying for mandatory assignment to Disciplinary Alternative Education Programs are specified in the Texas Education Code, Chapter 37 (Cortez and Cortez 2009; Johnson 2006). A report by Cortez and Cortez (2009) for the Intercultural Development Research Association (IDRA) showed that, from 1996 to 2006, student placements in DAEPs went from 70,958 to 105,530 - a 47% increase (IDRA 2009, 6). For the academic year 2003-2004, Reyes (2007, 87) found that 82% of DAEPs enrollments were for discretionary offenses and 18% were mandatory. According to Reyes (2007, 87) “DAEPs have become convenient centers for student removal, regardless of discipline, social, academic, or psychological issues.”

Rich and Poor School Districts: “Does Money Matter?”

Overview of School Funding

The United States Constitution delegated the responsibility of public education to the states. State governments have tried over the years to find a right balance of funding their school

systems. In the 1930s many states adopted school finance reforms that tied school district funding to property taxes (Sallee 2005). In the mid-1970s through the 1990s, a wave of litigations brought by individuals and school districts challenged public school financing based on the property value of the district. Plaintiffs argued that property based funding violated the principles of “equity” and “adequacy.” State courts often found their school funding systems to be unconstitutional. These lawsuits forced states to reform public school funding and state legislators to devise new formulas to assist lower income districts (Card and Payne 2002). However, because of the traditional reliance on state and local funding, where the majority of local revenues are raised through property taxes, funding for public schools varies sharply across wealthy and impoverished communities.

The debate over reducing the gap between rich and poor school districts is still an ongoing debate among researchers and government officials. The general sentiment, however, is that the current school finance system lacks fairness because educational opportunities afforded to students in wealthy schools are missing in poor districts (Sallee 2005). Over the years, under the pressure of legal challenges, Texas adopted a “Wealth Equalization” system also known as “Robin Hood.”¹ The wealth equalization system allows the State to recapture any extra money from districts that happens to exceed a predetermined property wealth per pupil; the State then redistributes the money to low income districts (Alemán 2007; Imazeki & Reschovsky 2003). For instance, school districts with property wealth greater than \$350,000 per weighted average daily attendance (ADA) are required to reduce their wealth per pupil through 5 different options: “1) complete consolidation with a property poor school district, 2) ceding territory for purposes of taxable valuation, 3) purchasing ‘attendance credits’ from the state, 4) contracting for the

¹ Some of the provisions of the “Wealth Equalization” system, or Robin Hood, were abolished by the Texas Legislature in 2009. For more information on the question, please visit the TEA website at <http://www.tea.state.tx.us/>

education of non-resident students, or 5) the consolidation of tax bases with a property-poor district” (Imazeki & Reschovsky 2003, 7). Wealthy school districts “commonly choose to purchase attendance credits from the state or pay for the cost of educating students in other districts”(2003,8).

School funding and School discipline

Many studies have focused on the effects of school funding on student achievement (Payne & Biddle 1999; Alemán 2007; Card & Payne 2002), but relatively few have examined the relationship between school funding and school discipline. Disparities between rich school districts and poor school districts, based on school characteristics such as student population, school location (geographical area) and teacher quality, have a considerable impact on discipline.

Most of the rich school districts in the United States are located in suburban areas and have a large percentage of white students. In Texas the top 50 richest school districts, as measured by the Texas School Finance System during the 2002-2003 school year, reported a higher percentage of white students in their student populations than the 50 poorest school districts. For instance, in the 2002-2003 school year, 41 of the 50 richest school districts reported high percentages of white students as the majority of their student population, while the remaining 9 had high percentages of Hispanics. School districts such as Allison ISD and Grand-View-Hopkins had 100% white students (Alemán 2007, 137-138). A similar demographic can be found in the 2009-2010 school year among the student population in rich and poor school districts (TEA 2010a).

On the other hand, the 50 poorest school districts in the state had a large percentage of minority students (mainly Hispanics) (see Appendix A and B). Nationwide, poor school districts

are mostly located in urban, inner-city areas (Verdugo 2002; Skiba et al. 2002; Reyes 2007; Gregory et al. 2010).

The application of zero tolerance policies also varied across rich and poor school districts. Verdugo (2002, 54) reported that some zero tolerance policies (uniforms, closed campuses, controlled access, drug sweeps, and random metal detector checks) are more prevalent in schools with higher percentages of minority students and economically disadvantaged students. For instance, closed campus policies are associated with the presence of minority students and low socio-economic status of the student body. Moreover, uniforms are used by schools with high minority concentrations and schools participating in free or reduced-cost lunch programs (Verdugo 2002, 54). According to Reyes (2007) low-income and low-achieving students made up approximately 69% of the enrollment of Disciplinary Alternative Education Programs in Texas between 1998 and 2004.

In a qualitative study, Bratlinger (1991- cited by Skiba et al. 2002) interviewed “adolescent students from both high and low-income residential areas concerning their reactions to school climate and school discipline.” The two groups of students agreed that “low-income students were unfairly targeted by school disciplinary sanctions” (Skiba et al. 2002, 319). Furthermore, “high-income students reported receiving mild and moderate consequences (teacher reprimand, seat assignment), while low-income students reported receiving more severe consequences” (Skiba et al. 2002, 319). Research has also revealed that in districts where minority students are underrepresented, they are also more likely to be suspended than white students (Stader 2004; Reyes 2007). For example, in the 2000-2001 school year, Austin ISD (one of the rich school district in Texas) reported a student population composition as follows: 18%

African American, 43% Latinos, and 37% White. Among suspensions and expulsions, 36% were African Americans, 45% were Latinos, and 18% were white students (Stader 2004, 64).

Conclusion 2

This chapter has examined the issue of school discipline and its effects on minority students. Before the 1990s, school discipline was handled by states and localities without any interference from the federal government. After the enactment of the Gun Free School Act of 1994, the issue of school discipline became a central point in schools around the country. The adoption of zero tolerance policies exacerbated the negative effects of school discipline on minority students that are overrepresented in disciplinary actions. Finally, this chapter examined the differences between rich school districts and poor school districts by looking at the way they implement school discipline. The next chapter will focus on the development and implementation of Disciplinary Alternative Education Programs in Texas, as well as their student populations.

2 For other Texas State Applied Research Projects dealing with education see deLeon (2011), Duhon (2010), Lindsey (2010) and Pogue (2011).

Chapter III

Disciplinary Alternative Education Programs (DAEPs) in Texas

The purpose of this chapter is to provide information about Disciplinary Alternative Education Programs (DAEPs) in Texas. This chapter focuses on the creation of DAEPs in 1995 through the Safe Schools Act, the characteristics of DAEPs, and its student population. Finally, the conceptual framework is presented, linking research hypotheses to supporting literature.

The Advent of DAEPs

Disciplinary Alternative Education Programs (DAEPs) started in Texas in 1996 following the mandate of the federal *Gun Free Schools Act of 1994*. This law required states to implement zero tolerance policies for violent crimes committed on or off schools premises. At the time of the enactment of the *Gun Free Schools Act*, Texas already had in place statewide programs to curb school violence beginning in the 1990s. The state was working on finding a solution for suspended and expelled students from regular classrooms. For instance, during the school year 1992-1993, thirteen schools in Texas were recognized through the National Safe and Drug-Free Schools Recognition Program. Eleven were recognized for their comprehensive programs for achieving safe, disciplined, and drug-free schools; two were recognized for noteworthy prevention components (Policy Research April 1994, 8).

After Congress enacted the *Gun Free Schools Act of 1994*, the 73rd Texas legislature put in place a Joint Select Committee. This committee had the sole purpose of reviewing the Central Education Agency and making recommendations for the implementation of zero tolerance policies (Policy Research 2007). The idea was to find a way to give school districts broader authority to remove disruptive students from regular educational settings. The next year the

Legislature passed the *Safe Schools Act*, taking into consideration some of the recommendations of the Joint Select Committee. The main recommendation was for school districts to establish a “system of alternative education that would allow the removal and continuing education of students whose behaviors violated local or state-mandated rules of conduct” (Policy Research 2007, 2). Revisions were introduced into the Texas Education Code as “Chapter 37: Discipline. Law and Order.” The statutes in Chapter 37 established minimum state requirements for Disciplinary Alternative Education Programs (Policy Research 2007, 2; Levin 2006, 10).

Under Chapter 37, Section 37.008, all school districts are required to establish a Disciplinary Alternative Education Program that will meet the behavioral and educational needs of students removed from their regular classrooms (Policy Research 2007). Based on this Chapter, a functioning Disciplinary Alternative Education Program is required to 1) provide for students educational and behavioral needs, 2) focus on English language arts, mathematics, science, history, and self-discipline; 3) provide supervision and counseling, and 4) provide not less than the minimum amount of instructional time per day (Levin 2006, 10). School districts are allowed to have in-house or off-campus DAEPs, and two or more school districts can also provide the program jointly.

In 2006 the Texas Education Agency reported that 28.4 percent of the 1,227 school districts in Texas had at least one off-campus DAEP (Policy Research 2007, 4). In 2009-2010, around 24% of school districts reported an off-campus DAEP. For instance, Round Rock ISD has a DAEP for elementary students housed in one of the regular elementary school campuses, and a second off-campus DAEP for middle and high school students. Table 3.1 below shows the number of off-campus DAEPs in Texas for the year 2009-2010.

Table 3.1: Number of off-campus DAEPs in Texas (2009-2010)

Grade Level	Elementary School	Middle School	Junior High School	High School	Elementary/Secondary School*	Total
Numbers	21	14	0	28	238	301

Source: Texas Public Schools and Charters Directory 2009-2010

Note. School counts are based on grades taught at the schools.

*Special Education school counts are included in the elementary/secondary school counts

DAEP Standards

Marc Levin (2006, 10) characterized the standards contained in Chapter 37 for DAEPs as nonexistent. The requirements on how TEA and school districts should evaluate and deal with DAEPs are minimal. Chapter 37, section 37.008 (a-1) specifies clearly that the Texas Education Agency is required to “adopt minimum standards for the operation of Disciplinary Alternative Education Programs relating to: 1) student/teacher ratios; 2) student health and safety; 3) reporting of abuse, neglect, or exploitation of students; 4) training for teachers in behavior management and safety procedures; 5) planning for a student's transition from a disciplinary alternative education program to a regular campus” (TEA 2010d). In addition, Chapter 37 requires school districts to report to TEA each placement in DAEP, including information about the student, the offense, and the type of placement (Policy Research 2007, 4). TEA is required to evaluate DAEPs based on two indicators: rate of students with disabilities assigned to DAEPs, and the assignment of students under six years of age.

One report from Academic Information Management, Inc. noted, “It is not uncommon to have students placed in a DAEP classroom with students in other grade levels. In elementary grades, for instance, there may be one DAEP classroom that serves student in all elementary grade levels. For junior and high schools, depending upon the size of the school districts, many DAEP classrooms serve students of multiple grade levels in one classroom” (Levin 2006, 10). Under heavy criticism on the quality of education in DAEPs, legislation passed in 2004 required

teachers in DAEPs to “meet all certification requirements as established under TEC Chapter 21, Subchapter B” (Levin 2006, 11). In response to this legislation, for the first time in 2005-2006 DAEPs started employing certified in response to the legislation.

Types and Terms of Student Referrals to DAEPs

The Texas Education Code, Chapter 37 requires the placement of students in Disciplinary Alternative Education Programs (DAEPs) through two types of referral: mandatory and discretionary.

Mandatory Placement

Mandatory assignment to Disciplinary Alternative Education Programs (DAEPs) results from specified offenses described in Chapter 37, Sec. 37.006. A student removal to DAEPs is mandatory for 1) triggering a false alarm, 2) committing a crime on or off the school property within 300 feet of the school, 3) engaging in conduct punishable as a felony, 4) assault, 5) possession of a weapon, 6) possession or distribution of controlled substances or dangerous drugs, 7) possession or distribution of alcoholic beverage, 8) public lewdness, 9) abuse of volatile chemical, 10) knowingly make a false alarm or false report, 11) terroristic threats, and 12) retaliation against a school employee (TEA 2010e; Reyes 2007, 85; Cobb 2008, 28).

With the exception of students younger than 6 years of age and students with disabilities, Chapter 37, Sec. 37.006 applies to all students regardless of their gender and ethnic group. The law stipulates that students younger than 6 years old are exempt from mandatory placement except if a student brings firearms to school. A student with disabilities can only be removed to

DAEPs by a decision from their admission, review, and dismissal committee (Policy Research 2007, 3). Once removed to DAEPs through mandatory placement, a student is prohibited to attend or participate in any school-sponsored or school related events (Policy Research 2007, 3). Since the implementation of the program, few students have been placed in DAEPs through mandatory assignments (Reyes 2007; Levin 2006).

Discretionary Placement

Removal of a student to DAEPs is classified as discretionary placement when the offense committed is not specified in Chapter 37 and represents a violation of the school district's student code of conduct. School districts must follow certain guidelines established in Chapter 37 of TEC.

- Specify the circumstances, in accordance with this subchapter, under which a student may be removed from a classroom, campus, or disciplinary alternative education program
- Specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program
- Outline conditions under which a student may be suspended as provided by Section 37.005 or expelled as provided by Section 37.007
- Specify that consideration will be given, as a factor in each decision concerning suspension, removal to a disciplinary alternative education program, expulsion, or placement in a juvenile justice alternative education program, regardless of whether the decision concerns a mandatory or discretionary action, to: self-defense; intent or lack of intent at the time the student engaged in the conduct; a student's disciplinary history; or a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, and provide the length of a term of removal to a DAEP.
- Address the notification of a student's parent or guardian of a violation of the student code of conduct committed by the student that results in suspension or removal to a Disciplinary Alternative Education Program.

- Prohibit bullying, harassment, and making hit lists and ensure that district employees enforce those prohibitions.
- Provide, as appropriate for students at each grade level, methods, including options, for: managing students in the classroom and on school grounds; disciplining students; and preventing and intervening in student discipline problems, including bullying, harassment, and making hit lists. (TEC, Chapter 37 Sec. 37.001)

These guidelines leave each school district with unlimited discretion to decide which type of offenses can be considered a disciplinary infraction. According to Marc Levin, “a student who talks out of turn, or runs down the hallways even once could be referred to a DAEP.” Moreover, a “reasonable belief that a student committed an infraction is all that is necessary under Education Code 37.006 (e) to refer a student to a DAEP” (Levin 2006, 10).

School administrators may place a student in a DAEP if they have a reasonable belief that the student committed a crime off-campus not subject to mandatory placement (2006, 10). Teachers can also remove a student that has an unruly behavior, is abusive, and continuously interferes with the teacher’s ability to communicate with other students (Cobb 2008, 29). Usually the decision of the superintendent to send a student to a DAEP is final and may not be appealed.

Since the program began in 1996, researchers have consistently found that the majority of referrals to DAEPs are discretionary placements due to violation of the student code of conduct (Cobb 2008; Cortez & Cortez 2009; Reyes 2007). Reyes (2007) reported that in 2004, only 18% of DAEP referrals constituted mandatory assignments. For the year 2005-2006, the Texas Education Agency reported that almost two-third of DAEP assignments were discretionary placements (TEA Policy Research 2007, 6).

DAEPs' Student Population

Hispanics, African Americans, Asian/Pacific Islanders, Native Americans, and whites make up the demographic composition of the student population in Disciplinary Alternative Education Programs (DAEPs). Since 1996 an average of 100,000 students have been removed to DAEPs for mandatory or discretionary offenses. In 2003-2004 a report by the Intercultural Development Research Association (IDRA) revealed that 138,701 student assignments to DAEPs were reported to TEA (Cortez and Cortez 2009, 9). The TEA 2010 Comprehensive Annual Report presented a total of 119,109 DAEPs placements for the year 2008-2009 (TEA 2010b, 69).

Although the DAEPs student population is composed of different ethnic groups, their repartition is unbalanced. Research has continuously pointed out the overrepresentation of minority students in DAEPs' student population. For instance, in 2005-2006, 48% of the students were Hispanic, 25.8% were African American, and 25.2% were white (Policy Research 2007, 5). A look at the percentages by grade level is even more compelling for the same year. From 1st grade through 12th grade, Hispanics and African Americans have high percentages of referral compared to their overall representation at the state level (Policy Research 2007, 5). In 2008-2009, African Americans were 13.6% of first graders in Texas, but they represented 47.3% of DAEPs student in that grade level. Hispanics were reported at 46.6% of seventh graders in school districts and represented 54.7% of the student population in DAEPs in that grade level. On the other hand, white students remained underrepresented with lower percentages in DAEPs compared to their overall population (TEA 2010b, 70). In 2008-2009, white students represented 31.9% of students enrolled in 1st grade, and they were 22.4% in DAEP for the same grade level. Among 7th grade students, enrollment for white was 35.2%, and 18.9% were in DAEP for the

same grade level. In 12th grade, white students were 37.1% in DAEP and 40.2% were in the population in school districts (TEA 2010b, 70).

Data on DAEPs show that a large percentage of the DAEPs student population is placed through discretionary placements. The Texas Education Agency reported that in 2005-2006, 64.7% of DAEPs referrals in the state were because of violation of student codes of conduct (Policy Research 2007, 6). Most districts report high numbers of referrals through discretionary placement rather than mandatory placements. For instance, in 2009-2010, Mesquite ISD reported 401 mandatory placements and 1,544 discretionary placements (TEA 2010d). So far, the trend has not changed since the program began in 1996.

The following part of this chapter focuses on the hypotheses developed for this study. There are two main hypotheses with three sub-hypotheses each.

Minority Student Referrals to DAEPs (H1)

Booker and Mitchell (2011, 193) reported after their analyses of DAEPs that “minority students were significantly more likely than Caucasian students to be placed in disciplinary alternative education.” This finding is consistent with other findings reported by researchers on the issue of minority student overrepresentation in DAEPs. Even though researchers have taken into consideration school wealth, student population and location, they have not examined these factors among African American and Hispanic students referred to DAEPs. Thus one would expect:

H1: School district characteristics such as wealth, student population, and geographical location have an impact on the percentage of minority students referred to DAEPs.

District Wealth (H1a)

Most of the literature produced on school discipline and DAEPs have studied the relationship between school district wealth and school security. Recently, DeAnjelis et al. (2011) analyzed school district spending on school security in Texas. The authors found that rich school districts spend less on security than poorer school districts. The authors explained, urban communities have higher rates of violence and property crime; therefore, higher spending is justifiable.

One might suggest that minority students in poor school districts commit more offenses and are, therefore, referred at higher rates than those in rich school districts. However, Skiba et al. (2002) noted, there is no support for that notion since, under similar circumstances, African Americans do not stand out. In fact, minority students are more likely to be disciplined than white students (Skiba et al. 2002, 333). Hence one would expect:

H1a: Rich school districts refer higher percentages of minority students to DAEPs than poor school districts.

Minority Discrimination (H1b)

While describing the type of school security implemented by school districts around the country, DeAnjelis et al. (2011, 328) reported that stronger, positive correlations were found between security spending and the characteristics of students in the districts. Previously, Verdugo (2002, 54) reported that schools with higher percentages of minority students and economically disadvantage students use uniforms, closed campuses, controlled access, drug sweeps, random metal detector checks, and metal detectors. Most Schools with high percentages of white students, located in suburban communities, use hands scanners, cameras, and part-time security personnel (Witt 2007, 4).

When Mendez and Knoff (2003) included in their sample schools with high minority student populations and schools with high white student populations. The authors found that overall, minority students were over represented. Gregory et al (2010) reported that minority students are more likely to be disciplined than white students in schools with high percentages of white student. Witt (2007, 3) reported, “some of the highest rates of racially disproportionate discipline are found in states with lowest minority populations, where the disconnect between white teachers and black students is potentially the greatest.” Thus one would expect:

H1b: School districts with high percentages of White students refer higher percentage of minority students to DAEPs than school districts with a high percentage of minority students.

District Geographical Location (H1c)

DeAnjalis et al. (2011) revealed that community type has a considerable impact on school disciplinary policies. For instance, urban schools “utilized significantly more full- and part-time security personnel than suburban, town, and rural schools, averaging about one full-time person for every 550 students compared to one for every 1,200 to 1,400 students in the other locales” (DeAnjalis et al. 2011, 325). The comparison of school districts by community type is limited to the description of their school security.

Mendez and Knoff (2003) selected schools located in urban, suburban, midsize and rural areas to conduct their study. The authors limited their analysis to factors such race, gender, grade level, and infraction type, and omitted the difference between schools based on location. Thus one would expect:

H1c: School districts’ geographical locations have an effect on the percentage of minority students referred to DAEPs.

Discretionary Referrals to DAEPs (H2)

Research has also consistently reported that students are placed more often in DAEPs through discretionary referrals than mandatory referrals. Booker and Mitchell (2011, 201) analyzed DAEP data and found that Hispanic students were 12 times more likely, and African Americans were 2.39 times more likely to be placed in DAEP for discretionary reasons than Caucasian students.

H2: School district characteristics such as wealth, student population, and geographical location have an impact on the percentage of discretionary assignments of students referred to DAEPs.

District Wealth (H2a)

One of the findings explaining the prevalence of discretionary referrals to DAEPs has been miscommunication between teachers and students, specifically minority students. The literature revealed that most student referrals to DAEPs start in the classroom (Fenning & Rose 2007; Witt 2007; Barbour 2009). Barbour (2009, 202) reported “many teachers complain that they are not trained to deal with the serious behavioral problems they face in the modern classroom and cannot teach lessons with these troubled students in their classes.”

Rich school districts have been found to invest less money than poor school districts in school security (DeAnjalis et al. 2011; Gottfredson & Gottfredson 2001), leaving teachers with little training on student behavioral management, making them more willing to send students to the administrator’s office for minor offenses. Also, since rich school districts are considered to be safer, mandatory offenses are more likely to be recorded in poor urban school districts than rich school districts. Hence one would expect:

H2a: Rich school districts refer a higher percentage of students to DAEPs through discretionary assignments than poor school districts.

Minority Discrimination (H2b)

School districts with high percentages of white students have been found to be either wealthy and/or located in areas outside of urban communities. Research suggests these school districts are considered safe and have low percentages of offenses requiring mandatory referrals (Witt 2007). The implication is that discretionary referrals exceed mandatory referrals in school districts with high percentage of white students. Thus one would expect:

H2b: School districts with high percentages of white students refer higher percentage of students through discretionary referral than school districts with a high percentage of White students.

District Geographical Location (H2c)

Conventional wisdom and empirical data tell us that school districts in urban areas have higher rates of violence and property crime than suburban, midsize, and rural communities (DeAnjelis et al. 2011). Thus, one would think that urban school districts experience more mandatory offenses than rural school districts. The location of school districts, thus, influences discretionary referrals to DAEPs. Hence one would expect:

H2c: The geographical location of a school district impacts the percentage of students referred to DAEPs through discretionary assignment, rather than mandatory assignment.

Table 3.2 summarizes the hypotheses of this study and connects them to the supporting literature.

Table 3.2: Summary of Conceptual Framework linked to the literature³

<i>Hypotheses</i>	<i>Scholarly Support</i>
H1: School district characteristics such as wealth, student population, and geographical location have an impact on the percentage of minority students referred to DAEPs.	
H1a: Rich school districts refer higher percentages of minority students to DAEPs than poor school districts.	Skiba et al. 2002; Reyes 2007; TEA 2010d; Skiba and Noguera 2010; Mendez and Knoff 2003; TEA 2010b; Policy Research 2007; Aleman 2006; Marbley et al. 2011; Districts' Wealth per ADA 2009; TEA 2010f; Stader 2004; TEA 2010a; DeAnjelis et al. 2011; Booker and Mitchell 2011.
H1b: School districts with high percentages of White students refer higher percentage of minority students to DAEPs than school districts with a high percentage of minority students.	TEA 2010d; Johnson 2006; Cobb 2008; Skiba and Noguera 2010; Mendez and Knoff 2003; TEA 2010b; TEA 2010a; Skiba et al. 2002; Reyes 2007; TEA 2010f; Stader 2004; Verdugo 2002; DeAnjelis et al. 2011; Gregory et al. 2010; Witt 2007; Costenbader and Markson 1998; Cortez and Cortez 2009.
H1c: School districts' geographical locations have an effect on the percentage of minority students referred to DAEPs.	Skiba et al. 2002; Reyes 2007; TEA 2010d; Cobb 2008; Gregory et al. 2010; Verdugo 2002; Mendez and Knoff 2003; TEA 2010c; TEA 2010a; Stader 2004; Aleman 2006; Marbley et al. 2011; TEA 2010f; Stader 2004; TEA 2010c; DeAnjelis et al. 2011.
H2: School district characteristics such as wealth, student population, and geographical location have an impact on the percentage of discretionary assignments of students referred to DAEPs.	
H2a: Rich school districts refer a higher percentage of students to DAEPs through discretionary assignments than poor school districts.	Skiba et al. 2002; Reyes 2007; TEA 2010d; Johnson 2006; Skiba and Noguera 2010; Mendez and Knoff 2003; TEA 2010b; TEA 2010a; Policy Research 2007; Aleman 2006; Marbley et al. 2011; Districts' Wealth per ADA 2009; TEA 2010f; Stader 2004; DeAnjelis et al. 2011; Gottfredson and Gottfredson 2001; Barbour 2009, Fenning and Rose 2007; Booker and Mitchell 2011; Witt 2007.
H2b: School districts with high percentages of white students refer higher percentage of students through discretionary referral than school districts with a high percentage of White students.	TEA 2010d; Johnson 2006; Cobb 2008; Skiba and Noguera 2010; Mendez and Knoff 2003; TEA 2010b; TEA 2010a; Skiba et al. 2002; Reyes 2007; TEA 2010f; Stader 2004; Witt 2007.
H2c: The geographical location of a school district impacts the percentage of students referred to DAEPs through discretionary assignment, rather than mandatory assignment.	Skiba et al. 2002; Reyes 2007; TEA 2010a; Cobb 2008; Gregory et al. 2010; Verdugo 2002; Mendez and Knoff 2003; TEA 2010b; TEA 2010d; Stader 2004; Aleman 2006; Marbley et al. (2011); TEA 2010c; Stader 2004; TEA 2010f.

³ Some of the supporting literature listed in the Conceptual Framework can be found in Chapter II: Literature Review. See Shields and Tajalli (2006) and Shields (1998) for more information on conceptual frameworks.

Conclusion

This chapter provided information on Disciplinary Alternative Education Programs in Texas, focusing on the Safe Schools Act passed in 1995 by the 74th Texas Legislature, which required that all school districts implement Disciplinary Alternative Education Programs (DAEPs) for disruptive students that are removed from their regular classrooms. The statutes of that law are contained in Chapter 37 of the Texas Education Code. Further, this chapter discussed DAEP standards contained and the DAEP student population. The conceptual framework was also discussed with supported literature. The next chapter will present the methodology adopted for this research.

Chapter IV

Methodology

The purpose of this chapter is to present and explain the methodology used to test the hypotheses developed for this research. The chapter will focus on the following elements: operationalization of the conceptual framework, data collection, sampling, design of the study, procedure and human subjects exemption.

Operationalization

The present study uses existing data found on the Texas Education Agency (TEA) website. School districts are required to report discipline data through an established electronic system to Texas Education Agency (TEA). The data can be found on TEA's Public Education Information Management System (PEIMS) Discipline Data Reports. The list of school districts with data on student enrollment was found through the 2009-2010 Academic Excellence Indicator System (AEIS).

Hypotheses of this study are as follow:

H1: School district characteristics such as wealth, student population, and geographical location have an impact on the percentage of minority students referred to DAEPs.

H1a: Rich school districts refer higher percentages of minority students to DAEPs than poor school districts.

H1b: School districts with high percentages of white students refer higher percentages of minority students to DAEPs than school districts with high percentages of minority students.

H1c: The geographical locations of school districts effects the percentage of minority students referred to DAEPs

H2: School district characteristics such as wealth, student population, and geographical location have an impact on the percentage of discretionary assignments of students to DAEPs.

H2a: Rich school districts refer a higher percentage of students to DAEPs through discretionary assignments than poor school districts.

H2b: School districts with high percentages of white students refer higher percentages of students through discretionary referrals than school districts with a higher percentage of minority students.

H2c: The geographical locations of school districts impact the percentages of students referred to DAEPs through discretionary assignment, rather than mandatory assignment.

Table 4.1 below provides the list of dependent and independent variables used in this study. The table also lists the units of measurements and source used for collecting the data for each of the variables involved. The percentages of minority students referred to DAEPs are used in this research, as well as the percentage of discretionary assignments to DAEPs as the dependent variables. The data sources can be found on the Texas Education Agency web site.

Table 4.1: Operationalization of the conceptual framework

<i>Variables</i>	<i>Direction of Hypotheses</i>		<i>Measurement</i>	<i>Sources</i>
Dependent variables:	H ₁	H ₂		
- Percentage of minority students in DAEPs			Percentage of Minority Students in DAEPs	Texas Education Agency PEIMS Discipline Data Reports (2009-2010)
- Percentage Of discretionary placements in DAEPs			Percentage of Discretionary DAEPs assignments/Total DAEPs enrollment in Districts.	Texas Education Agency PEIMS Discipline Data Reports (2009-2010)
Independent variables:				
- School Districts' Wealth	+	+	School District's Wealth Per Average Daily Attendance	Texas Education Agency School Districts Wealth per Average Daily Attendance (ADA) reports (2009)
- Minority Discremination	+	+	Percentage of White students enrolled in School Districts.	Texas Education Agency Section II 2009-2010 Academic Excellence Indicator System (AEIS)
- Districts' Geographical locations	*	*	Urban (Reference group), Suburban, Midsize and Rural. 1 st dummy Variable: Suburban =1 and others = 0. 2 nd dummy variable: Midsize =1 and others =0. 3 rd dummy variable: Rural =1 and others = 0.	Texas Education Agency Snapshot 2010 (School Districts Profiles)
- Districts' Student Population (Control variable)			Total Students' Enrollment in School Districts (2009-2010).	Texas Education Agency Section II 2009-2010 Academic Excellence Indicator System (AEIS)

*There are no directions for both hypotheses.

Data Collection

The data used for this research was collected from the Texas Education Agency (TEA) website. The 2009-2010 Texas Public Schools and Charter Directory was used to collect school district names and their state identification/code numbers. The same source was also used to identify the names and code numbers of off-campus Disciplinary Alternative Education Programs (DAEPs) since they are listed for each district that has them.

The number of students assigned to DAEPs, racial composition, and the types of referral (mandatory or discretionary placements) were collected from the Public Education Information Management System (PEIMS) Discipline Data Reports for the year 2009-2010. Additionally, data related to ethnicity of students enrolled in each school district, which reported DAEPs data to TEA, was obtained through Section II of the 2009-2010 Academic Excellence Indicator System (AEIS).

Data regarding school district wealth was collected from the TEA School Districts Wealth per ADA reports 2006-2010. The Wealth per ADA was adopted for this study as a measure of school district financial status because it is used by TEA to classify school districts on a financial level. The year 2009 was our reference year.

Lastly, school districts' geographical locations were identified using Snapshot 2010 that contains school districts profiles and the type of community they serve. TEA classifies school districts on a scale ranging from major urban to rural, based on factors such as size, growth rate, student economic status, and proximity to urban areas (TEA 2010c, 1).

Sample

The sample of this study consists of 207 Disciplinary Alternative Education Programs (DAEPs) with their corresponding school districts. The sample was selected from a total of 727 school districts, which reported DAEPs data to TEA for the academic year 2009-2010. Among the 727 school districts, many did not provide actual numbers, responding with “N/A” to the required categories. Due to the difficulty of processing such data for our research, school districts that reported “N/A” were eliminated in categories important for this research, such as type of referral to DAEPs (mandatory or discretionary) and the number of students referred to DAEPs by ethnicity.

The DAEPs in our sample represent a combination of on-campus and off-campus DAEPs and cover grade levels K through 12. The DAEPs are geographically located in different areas in Texas and have a culturally diverse student population consisting of whites, Hispanics, African Americans, Asian/Pacific Islanders and Native Americans. These are the 5 main groups that TEA uses in its system to report data.

For the year 2009-2010, school districts in the sample had a total student enrollment of 3,004,105, where among them Hispanics were 50.08%, whites were 28.28%, African Americans were 16.28% and all other ethnicities were 5.36%. As far as DAEPs is concerned, the total number of student assignments was 77,251 with whites at 17.81%, Hispanics at 51.60% and African Americans at 29.33% and the others at 1.26%. Table 4 below shows the total number of school districts that reported DAEPs assignments data and the sample of our study.

Table 4.2: Student Enrollment in School Districts and DAEPs Assignments (2009-2010)

	Statewide (N=727)	Sample (N=207)
School Districts with DAEPs data		
Hispanics	1,692,956	1,504,573
Whites	1,305,550	849,446
African Americans	463,664	489,058
Others(Asian/Pacific Islanders and Native Americans	1,162,167	161,028
Total Students Enrollment	4,624,337	3,004,105
DAEPs assignments		
Hispanics	53,072*	39,863
Whites	22,095*	13,759
African Americans	26,728*	22,658
Others(Asian/Pacific Islanders and Native Americans	11,875*	971

Sources: PEIMS Discipline Data Reports 2009-2010 and AEIS 2009-2010

*These numbers are to be taken with caution. Many school districts failed to report actual numbers and used “n/a” instead. The actual numbers should actually exceed those reported here. TEA allows school districts to use “n/a” when a number is between 0 and 5, or in other valid circumstances.

Design

This study uses multiple regression analysis to test the extent to which minority students were referred to Disciplinary Alternative Education Programs (DAEPs) during the year 2009-2010 based on school district wealth, geographical locations and size of student enrollment. The same analysis was also used to test the extent to which students were referred to DAEPs through discretionary assignments, based on school district wealth, geographical location, and size of student enrollment. Babbie (2010, 475) defined multiple regressions as a “form of statistical analysis that seeks the equation representing the impact of two or more independent variables on a single dependent variable.” This method will help determine whether the research hypotheses are supported or not.

The dependent variables in this research are “the percentage of minority students assigned to DAEPs” and “the percentage of discretionary referrals of students to DAEPs.” For the purpose of this study, minority students are comprised of Hispanics and African Americans.

The independent variables adopted for this multiple regression are “school district wealth,” “school district size,” and “school district geographical location.”

District wealth is measured by the Wealth per Average Daily Attendance (WADA). The Texas Education Agency (TEA) describes WADA as:

The number of students in weighted average daily attendance, which is calculated by dividing the sum of the school district's allotments under Subchapters B and C, less any allotment to the district for transportation, any allotment under Section 42.158 or 42.160, and 50 percent of the adjustment under Section 42.102, by the basic allotment for the applicable year. (TEA C41 2011)

The measure is appropriate for this research because Wealth per ADA has also been used by some researchers (Alemán 2007) to determine the financial status of school districts.

Enrollment size of school districts is measured by the total number of students enrolled in districts and the percentage of white students in the districts.

The geographical location of school districts is divided into four categories: urban, suburban, rural and midsize areas. In order to analyze the effects of these locations separately, three dummy variables with urban districts as the reference category were created.

The definition of urban, suburban, rural and midsize school districts was adopted based on the TEA classification of school districts and the research of Ammy Jones (2004, 51). Urban districts for instance, are composed of major urban districts and other central city districts. Major urban districts are the largest in the state and serve the six metropolitan areas such as Houston, Dallas, San Antonio, Austin, Fort Worth and El Paso. Other central city districts, according to TEA, refer to major school districts in other large, but not major cities in Texas (TEA 2010c, 1). These districts are located in counties with populations between 100,000 and 650,000, and they are not contiguous with any major urban districts (TEA 2010c, 1; Jones 2004, 51).

Suburban school districts are the combination of major suburban districts and other central city suburban districts. TEA defines major suburban districts as districts located in and around major urban areas, and they are contiguous to major urban districts. Other central city suburban districts are those in and around large, but not major, cities (TEA 2010c, 1; Jones 2004, 51). Midsize districts cover districts in independent towns, non-metro stable and non-metro fast growing (Jones 2004, 51; TEA 2010c, 1). Rural districts are the ones that do not meet the criteria for placement into any of the other categories. TEA describes them “as districts with a growth rate less than 20 percent and the number of students in membership is between 300 and the state median, or the number of students in membership is less than 300” (TEA 2010c, 1). The table below shows the number of school districts per geographical location and the percentage of school districts in the study.

Table 4.3: School Districts per geographical location

Geographic Location	Total School Districts	School Districts with DAEPs data	School Districts in Study	% of School Districts in Study
Urban	48	48	27	56.25
Suburban	229	226	91	40.27
Rural	318	283	16	5.65
Midsize	435	167	72	42.35
Total	1030	727	207	28.47

Source: TEA Snapshot 2010 Summary Tables: Community type.

Procedures

Once the appropriate data for the study was collected, Statistical Package for the Social Sciences (SPSS) was used to run descriptive statistics and two multiple-regression analyses of the data. Multiple regression analysis is often used to analyze how a dependent variable is simultaneously affected by multiple independent variables (Babbie 2010, 475).

The first multiple regression analysis analyzed the effects that districts’ wealth (H1a), size of districts’ student population (H1b) and districts’ geographical location (H1c) have on the

percentage of minority student assignments to DAEPs. The second multiple regression analysis assessed the impact that districts' wealth (H2a), size of districts' student population (H2b) and districts' geographical location (H2c) have on the proportion of discretionary referrals to DAEPs. The data used in these analyses are in Appendix C.

Human Subjects

The present research focuses on Disciplinary Alternative Education Programs (DAEPs) and their corresponding school districts in Texas. Specifically, the study uses existing data on students' assignments to DAEPs by school districts and it did not require a contact with human subjects. The research obtained an exemption from the Texas State University's Institutional Review Board (IRB). The exemption request number is EXP2011A8287.

Conclusion

This chapter presented the methodology used for this research. Data collection, sampling, research design, procedure, and human subjects were discussed accordingly. The data collected for the research will be analyzed through multiple regression analysis, and the results will be presented in the next chapter.

Chapter V

Results

The purpose of this chapter is to present the results from the descriptive statistics and the multiple regression analyses performed on data collected to test the hypotheses of this research. Multiple regressions analyses were run using the statistical software SPSS and the results show whether the wealth, student population and geographical locations of school districts have an effect on the dependent variables.

Demographic Characteristics of DAEPs and School Districts

The purpose of this study is to examine the influence of Texas school district wealth, student population, and geographical location on the referral of minority students and the percentage of discretionary assignments to DAEPs. Descriptive statistics for district wealth, school districts, and DAEPs' demographics are shown in the table below.

Table 5.1: DAEPs and School Districts Demographic Characteristics

	N	Minimum	Maximum	Mean	Std. Deviation	Median
Districts' Wealth	207	35448	1415498	333653.22	217918.926	280926.00
% White all districts	207	.00	.93	.4260	.26368	.4436
% Blacks all districts	207	.00	.79	.1330	.13978	.0937
% Hispanics all districts	207	.02	1.00	.4138	.26876	.3731
% White DAEPs	207	.00	1.00	.3367	.27651	.2700
% Blacks DAEPs	207	.00	.85	.2191	.21416	.1700
% Hispanics DAEPs	207	.00	1.00	.4310	.29816	.3871
% Mandatory referrals	207	.00	1.00	.2866	.19502	.2703
%Discretionary referrals	207	.00	1.00	.7139	.19468	.7297
Valid N (listwise)	207					

The districts in the sample represent rich and poor school districts in the state. The average amount of Wealth per Average Daily Attendance (ADA) is around \$333,653, which is actually higher than the wealth of some school districts. Districts at the bottom of the financial ladder have as low as \$35,448 as their Wealth per ADA. While school districts present a diverse student population made of Hispanics, African Americans, whites and others, the results show that there are still non diverse school districts in Texas. Hispanics account for 100% of the student population in some school districts while White can represent 93% of a district student population. Although African Americans constitute around 14% of student enrollment in Texas, they account for 79% of the student population in at least one district. The percentages of Hispanics, whites, and African Americans in those districts are higher than their average in the sample of this study. Hispanics have a mean of 41%, Whites are at 42% and African Americans are at 13%.

The same tendencies are also found in the student population in Disciplinary Alternative Education Programs (DAEPs). Hispanic, African American, and white students are all represented in DAEP; and in some programs, the total percentage of students referred are either white or Hispanic. The results also show that the way in which students are sent to DAEPs is mostly through discretionary referrals. The average percentage of discretionary referrals to DAEPs is 71%, while mandatory referrals are at 28%. These results actually reflect the findings of previous studies on the prevalence of discretionary referrals over mandatory referrals since the beginning of the program.

H1: Impact of wealth, location, and district size on the percentage of minority students in DAEPs

The first regression analysis tested the impact of wealth, size, and geographical location of school districts on the percentage of minority students assigned to Disciplinary Alternative Education Programs (DAEPs). The regression results on table 5.2 show that the independent variables introduced in the analysis account for about 83% of the variation in the percentage of minority students referred to DAEPs. These results suggest that the independent variables in the regression are good predictors of the percentage of minority students assigned to DAEPs. The F ratio was found to be significant, and the results are summarized below in the coefficient table.

Table 5.2: Impact of School Districts Characteristics on the Percentage of Minority Students in DAEPs

	Unstandardized Coefficients B	Standardized Coefficients Beta	t-value
Districts' Wealth	1.183E-7	.092	3.107*
Total Enrollment in districts	-1.710E-8	-.002	-.043
Percentage of White students	-.991	-.936	-29.429*
Suburban districts	-.032	-.056	-1.144
Rural districts	.003	.003	.071
Midsized districts	.039	.067	1.259
Constant	1.033*		
R ²	.831		
F	163.549*		

*Significant at $\alpha < .05$

H1a: District Wealth

The result from this regression analysis shows that district wealth is statistically significant, which indicates - controlling for other independent variables in the model - wealthier school districts have higher percentages of minority students to DAEPs. In other words, when

controlling for the student population, the percentage of white students, and geographical locations of school districts, wealth has a significant impact on the percentage of minority students assigned to DAEPs.

The results support the sub-hypothesis H1a, indicating that rich school districts refer a higher percentage of minority students to DAEPs than poor school districts. The present findings can be considered as new information in the study of Disciplinary Alternative Education Programs (DAEPs), due to the fact that researchers have not looked at district wealth as an influencing factor in the overrepresentation of minority students in DAEPs.

H1b: Minority Discrimination

The districts' size was not statistically significant: the size of a district had no effect on the percentage of minority students referred to DAEPs when controlling for wealth, percentage of white students, and geographical location of the district. However, when student population is broken down by race (white, Hispanic, and African American), the result indicate that the percentage of white students in a district has a negative impact on the percentage of minority students assigned to DAEPs. Districts with higher percentage of white students have higher percentage of whites in DAEPs. Conversely, districts with higher percentage of minority students have higher percentage of minorities in DAEPs. Essentially, when controlling for wealth and other districts variables, for each percentage increase in white student population, there is almost 1% decline in minority referrals to DAEPs.

The present findings are actually contrary to the projection of sub-hypothesis H1b, which predicted that school districts with high percentages of white students assign higher percentages of minority students to DAEPs than districts with high percentages of minority students. The

results indicate that there is no racial discrimination in referrals to DAEPs. Districts with higher percentages of white students have higher percentages of white students in DAEPs as well. The presence of minority students in a DAEP is proportionate to minority students' enrollment in the district. Even though the sub-hypothesis H1b is rejected based on the results of this research, the findings are important and add more information to the topic of DAEPs.

H1c: District Geographical Location

The third sub-hypothesis H1c asserted that geographical locations of school districts have an impact on the percentage of minority students referred to DAEPs. The analysis of the impact of a district's geographical location on the percentage of minority students referred to DAEPs proved statistically insignificant. The results show that if we control for the wealth of a district, the size of the district's student population, and the percentage of white students enrolled in that district, geographical locations (urban, suburban, rural or midsize areas) have no influence on the percentage of minority students assigned to DAEPs. Basically, the results indicate that referrals to DAEPs are not affected by a location of a district.

This finding is surprising considering the fact that most researchers (Haller 1992; Skiba et al. 2002; Mendez and Knoff 2003) have implicitly pointed out urban and suburban school districts as being the trouble areas in school discipline. The literature is mostly focus on schools in those areas and has revealed the increase risk for minority students to being referred for disciplinary action. The hypothesis is rejected by this research.

H2: Impact of district wealth, student population, and geographical location on the percentage of discretionary referral to DAEPs

The results from the second multiple regression analysis indicates that districts' student population size and geographical locations have a significant impact on the percentage of student assigned to DAEPs through discretionary referrals. The analysis revealed that only 14% of the variation in the percentage of discretionary referral to DEAPs is due to the combined influence of districts' wealth, student population, and geographical locations. Table 5.3 shows the results of the regression analysis.

Table 5.3: Impact of School Districts Characteristics on the Percentage of Discretionary Referrals to DAEPs

	Unstandardized Coefficients B	Standardized Coefficients Beta	t-value
Districts' Wealth	5.901E-8	.066	.983
Total Enrollment in districts	-1.354E-6	-.175	-2.149*
Percentage of White students	-.026	-.035	-.486
Suburban districts	.024	.061	.551
Rural districts	.128	.175	1.981*
Midsized districts	.118	.290	2.428*
Constant	.663*		
R ²	.136		
F	5.247*		

*Significant at $\alpha < .05$

H2a: District Wealth

The analysis of the effects of district wealth on the percentage of discretionary referrals to DAEPs shows no statistically significant results. The sub-hypothesis (H2a) predicted that rich school districts assign a high percentage of students to DAEPs through discretionary referrals than poor school districts. Because the analysis shows no statistical significance, we conclude

that rich and poor school districts are similar in their discretionary referrals of students to DAEPs. As a result, hypothesis H2a is not supported.

H2b: Minority Discrimination

On the other hand, the result of the effect of district student population is statistically significant. When controlling for the effects of district wealth, percentage of white students and geographical locations, we find that the size of the district's student population has a negative impact on the percentage of discretionary referrals to DAEPs. When student population is divided by race, the result does not indicate a significant relationship between racial distribution of students and the percentage of discretionary referrals to DAEPs. This finding is contrary to the prediction made in sub-hypothesis H2b.

The sub-hypothesis H2b projected that school districts with high minority student populations have a higher percentage of discretionary referrals to DAEPs than school districts with a high percentage of white students. The result showed no significant difference between the two types of districts, which does not support the hypothesis. The present finding is contrary to the findings from one study conducted by the U.S. Department of Education, which found that “districts with a majority of minority students were more likely to transfer students to DAEPs based solely on disruptive behavior versus other at risk characteristics such as truancy, parenthood, or mental health needs” (Booker and Mitchell 2011, 196).

H2c: District Geographical Location

The results show some relationship between the geographical locations of districts and the percentage of discretionary referrals to DAEPs. Controlling for the size of student population, racial composition and wealth of districts, rural and midsize districts tend to have

higher discretionary referrals than urban districts. No significant difference in discretionary referrals was found between urban and suburban districts. The findings from the analysis support the present hypothesis, with the results being statistically significant for districts located in rural and midsize areas. This finding confirms the fact that research has consistently reported higher levels of mandatory offenses such as truancy, possession of drugs, crimes punishable as a felony, or even gang activities, in urban and suburban areas instead of rural areas.

Summary of Findings

Table 5.4 below links the results from the two multiple regression analyses to the hypotheses developed in this study. The main hypotheses predicted that district wealth, student population, and geographical location have an impact on the percentage of minority students referred to DAEPs and the percentage of discretionary referrals to DAEPs. Each main hypothesis has three sub-hypothesis.

All hypotheses developed for this research predicted that district wealth, student population, and geographical locations have a positive impact on the percentage of minority students and discretionary referrals to DAEPs. Although most of the hypotheses were not supported, the results are valuable for the comprehension of student referrals to DAEPs.

Table 5.4: Summary of Results

<i>Hypotheses</i>	<i>Test Results</i>
<i>H1: School district characteristics such as wealth, student population, and geographical location have an impact on the percentage of minority students referred to DAEPs.</i>	
H1a: Rich school districts refer a higher percentage of minority students to DAEPs than poor school districts.	Supported
H1b: School districts with high percentages of white students refer a high percentage of minority students to DAEPs than school districts with high percentages of minority students.	Not Supported
H1c: School districts' geographical locations have an effect on the percentage of minority students referred to DAEPs	Not Supported
<i>H2: School district characteristics such as wealth, districts student population, and geographical location have an effect on the percentage of discretionary assignments of students to DAEPs.</i>	
H2a: Rich school districts refer a high percentage of students to DAEPs through discretionary assignments than poor school districts.	Not Supported
H2b: School districts with high percentages of minority students refer a high percentage of students through discretionary referral than school districts with high percentage of White students.	Not Supported
H2c: School district geographical locations have an impact on the percentage of students referred to DAEPs through discretionary assignment than mandatory assignment.	Supported

Conclusion

This chapter presented the results of the descriptive statistics and multiple regression analyses used to determine the effects that district wealth, student population, and geographical locations have on the percentage of minority students assigned to DAEPs, as well as the effects on percentage of discretionary referrals to DAEPs. The chapter also presented the tested

hypotheses and reported whether or not they were supported or rejected by the results of the research.

The percentage of minority students referred to DAEPs can be influenced by district wealth, and the percentage of white student in a district, but not by district geographical locations. On the other hand, the percentage of discretionary referrals to DAEPs can be affected by a district's geographical location, mainly rural and midtown areas, but not by a district's wealth or percentage of white students.

Chapter VI

Conclusion and Recommendations

The purpose of this study is to examine 1) the influence of Texas school district wealth, student population, and geographical location on referral of minority students to Disciplinary Alternative Education Programs (DAEPs), and 2) the influence of Texas school district wealth, student population, and geographic location on student discretionary assignments to DAEPs.

Chapter II focused on the review of literature on school discipline with an accent on Disciplinary Alternative Education Programs (DAEPs), the unintended consequences on minority students, and the characteristics of school districts (wealth and location). At the end of the chapter, two main formal hypotheses were developed with three sub-hypotheses for each. Chapter III looked at Disciplinary Alternative Education Programs (DAEPs) in Texas. The chapter discussed the creation and implementation of DAEPs in Texas, as well as the types of referrals determined by the Safe School Act 1995. Chapter III also examined the student population of DAEPs. Chapter IV discussed the methodology used to test the hypotheses initiated for the research. The hypotheses were operationalized, the data were presented, and the research design was explained. Chapter V presented the results of the descriptive statistics and multiple regression analyses conducted using SPSS. The chapter also discussed the findings for the hypotheses.

The present chapter concludes this study and presents some recommendations for policy changes, discipline data management by TEA, and future research. There are a few findings that arise from the present research. First, the findings from the descriptive statistics of the data collected coincide with the findings of other researches on the issue of minority student overrepresentation in disciplinary settings. Since the Children's Defense Fund 1975 study, other

researchers (Skiba et al 2002; Haller 1992; Mendez and Knoff 2003; and Reyes 2007) have consistently reported a disproportionate representation of African American students in school disciplinary actions. More recently, a study conducted by Kimberly Booker and Angela Mitchell (2011) found similar results. The authors found that Hispanics and African Americans were more likely than white students to be referred to Disciplinary Alternative Education Programs (DAEPs) for discretionary reasons and more likely to return as well.

Second, the analyses conducted to evaluate the impact of district wealth, percentage of white students in district and geographical locations on the percentage of minority students referred to DAEPs - as well as the percentage of discretionary referrals to DAEPs - reveals different levels of influence. The percentage of minority students referred to Disciplinary Alternative Education Programs is heavily affected by a district wealth. This variable constitutes a strong predictor of the percentage of minority students referred to DAEPs. Despite the fact that urban and suburban school districts have been heavily studied, and a constant overrepresentation of minority students in disciplinary settings has been observed (Skiba et al. 2002; Hirschfield 2008), this research shows that district location does not constitute a factor in the percentage of minority students referred to DAEPs.

On the other hand, the percentage of discretionary referrals to Disciplinary Alternative Education Programs is barely impacted by district wealth, percentage of whites, and geographical locations. District wealth and percentage of whites proved to be non-factors in determining the percentage of discretionary referrals to DAEPs. While urban and suburban localities are also non-influential factors, the findings for rural and midsize towns demonstrated certain influences from districts locations. The research findings here coincide with the findings

of some researchers on the prevalence of mandatory offenses in urban and suburban areas (Policy Research 1994; Skiba et al. 2002; Gregory et al. 2010).

Lastly, although four out of the six sub-hypotheses developed for this research were not supported from the statistical analyses, the findings are nonetheless valuable in the understanding of the factors influencing minority student representation in DAEPs. The research shows that the trend in the overrepresentation of minority students in DAEPs is still an ongoing phenomenon even after 35 years of research. Many authors have published studies on the subject (Skiba et al. 2002; Reyes 2007; Verdugo 2002) and many suggestions (Monroe 2005; Cortez and Cortez 2009; Marbley et al. 2011; Booker and Mitchell 2011) have been developed to curb overrepresentation.

Limitations of the Research

One of the preliminary objectives of this research was to analyze the percentages of minority students assigned to DAEPs through discretionary and mandatory referrals. The objective was abandoned because the data provided by TEA on its website is incomplete and spotty. However, it should be noted that research on the referral of minority students to DAEPs through discretionary assignments have been done before by Levin (2006), Reyes (2007) and Booker and Mitchell (2011). Booker and Mitchell (2011) conducted their study using data collected directly from students assigned to three disciplinary alternative education schools. Due to the limited timeframe allowed for this applied research project, we could not use such methodology to collect our data.

The sample of this research had a very low percentage of school districts located in rural areas, as a result of incomplete rural school district and DAEP data reporting to TEA. The

interpretation of the results from the multiple regression analysis for rural districts has been based on the percentage of the districts represented in our sample. The generalization of such result to all rural school districts should be made with caution, and more analysis is needed to fully understand the effect of rural areas on minority students and discretionary referrals to DAEPs.

Recommendations

There are a few recommendations that can be made based on the findings of this research:

- TEA should encourage school districts to provide all data requested in the PEIMS system, as specified under TEC Chapter 37, Section 37.020. The use of “n/a” should be removed as an option to allow the public to have access to full and complete data. The percentage of school districts (28%) that reported complete data is just too low for a state that has around 1200 school districts and charters schools. Moreover, the lack of complete data called into question the numbers provided, so far, by the annual reports on DAEPs to the Legislature and the public. The actual numbers might be higher than the ones reported.
- TEA should be more involved in the overrepresentation of minority students to DAEPs. The TEA annual evaluation indicators – rate of students under 6 years of age and students with disabilities - should be expanded to include “percentages of minority students” in DAEPs. Therefore, districts identified under this new indicator should also be subject to interventions and sanctions. This might help curb the trend of overrepresentation of minority students to DAEPs and push school districts to adopt more proactive programs encouraging positive behavior management, instead of reacting to inappropriate behaviors.
- School districts need to be more proactive on the issue of minority student overrepresentation in DAEPs. There are many great ideas developed over 35 years of research on the issue. One of the ideas proposed by Booker and Mitchell (2011, 205) is to create “a realistic dialogue regarding cultural differences, the way they play out in the classroom, and the impact student/teacher differences have on student engagement and behavior.” After all, most students are assigned to DAEPs for minor offenses that originated from a classroom environment (Verdugo 2002; Booker and Mitchell 2011).
- School districts should clearly redefine all offenses that fall under discretionary placement to DAEPs. They should get rid of vague and open discretionary placement definitions that allow multiple interpretations and expansion to a wide variety of offenses.

Future research should look more into the fact that rich school districts are actually sending higher percentages of minority students to DAEPs than poor school districts. These rich districts are expected to have better learning and behavioral environments for all their students and lower incidents of student misbehaviors, given their financial status. What can explain the findings of this research? Lawmakers have embraced the “No Child Left Behind Act” as the solution to bring all students at the same level of education. However, research has reported so far, that students assigned to DAEPs are disengaged from their studies and are *left behind* by their peers. As Alicia B. Cobb (2008, 106) pointed out, “we cannot afford to disengage so many children. Removing students to an alternative setting should be the last resort and a major concern to state policy makers and educators.”

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Appendix A

50 Richest School Districts as measured by the Texas School Finance System (2009-2010)

Ran k	Wealth per ADA	Independent School Districts (ISD)	% White	% Black	% Hispanics
1	\$9,077,126	FORT ELLIOTT CISD	93.90%	0.70%	4.80%
2	\$7,502,557	RANKIN ISD	57.80%	0.00%	42.20%
3	\$6,327,014	KENEDY COUNTY WIDE CSD	30.10%	0.00%	67.50%
4	\$6,020,932	TERRELL COUNTY ISD	41.60%	1.20%	54.80%
5	\$5,717,894	BLACKWELL CISD	83.40%	0.00%	15.30%
6	\$5,003,358	PALO PINTO ISD	83.50%	0.00%	16.50%
7	\$4,849,191	WEBB CISD	3.10%	0.30%	96.60%
8	\$4,483,214	MIAMI ISD	89.20%	1.10%	9.70%
9	\$4,444,902	GRANDVIEW-HOPKINS ISD	75.90%	6.90%	17.20%
10	\$4,123,560	WINK-LOVING ISD	61.50%	1.80%	35.50%
11	\$4,033,530	JAYTON-GIRARD ISD	78.30%	0.70%	21.00%
12	\$3,832,608	FORT ELLIOTT CISD	93.90%	0.70%	4.80%
13	\$3,642,069	BORDEN COUNTY ISD	75.50%	0.50%	18.60%
14	\$3,550,411	LOOP ISD	51.80%	0.00%	48.20%
15	\$3,395,424	PORT ARANSAS ISD	85.20%	1.30%	10.60%
16	\$3,332,993	DIVIDE ISD	71.40%	0.00%	28.60%
17	\$3,294,874	DEW ISD	89.90%	4.70%	4.70%
18	\$3,239,979	MCCAMEY ISD	32.30%	2.10%	65.00%
19	\$3,153,631	GLASSOCK COUNTY ISD	52.90%	0.00%	47.10%
20	\$3,130,619	DEVERS ISD	72.10%	4.70%	23.30%
21	\$2,958,468	GUTHRIE CSD	84.80%	0.00%	15.20%
22	\$2,926,190	STERLING CITY ISD	55.30%	0.00%	43.20%
23	\$2,820,118	CROCKETT COUNTY CONSOLIDATED C	22.70%	0.50%	75.90%
24	\$2,704,771	AUSTWELL-TIVOLI ISD	28.50%	1.30%	70.30%
25	\$2,690,091	PLEMONS-STINNETT-PHILLIPS CISD	80.70%	1.30%	13.60%
26	\$2,675,096	MCMULLEN COUNTY ISD	51.80%	0.00%	44.10%
27	\$2,582,011	MATAGORDA ISD	69.70%	0.00%	30.30%
28	\$2,578,197	HIGGINS ISD	86.20%	0.00%	12.80%
29	\$2,436,940	IRAAN-SHEFFIELD ISD	42.90%	6.10%	49.70%
30	\$2,249,962	SUNDOWN ISD	48.80%	2.50%	48.30%
31	\$2,194,301	WHITEFACE CISD	56.80%	2.30%	38.70%
32	\$2,140,606	EZZELL ISD	98.30%	0.00%	1.70%
33	\$2,030,019	GRADY ISD	59.70%	0.50%	39.30%

34	\$2,016,440	CRANE ISD	30.20%	3.70%	65.70%
35	\$1,913,711	KLONDIKE ISD	56.30%	1.90%	41.80%
36	\$1,840,467	SABINE PASS ISD	55.40%	20.80%	19.10%
37	\$1,821,552	PLAINS ISD	38.70%	0.40%	60.50%
38	\$1,819,470	REAGAN COUNTY ISD	23.20%	1.60%	74.70%
39	\$1,796,937	SEMINOLLE ISD	59.60%	1.70%	38.30%
40	\$1,782,101	DENVER CITY ISD	27.80%	0.70%	71.00%
41	\$1,752,209	BUENA VISTA ISD	42.20%	0.00%	57.80%
42	\$1,735,492	CANADIAN ISD	58.10%	0.30%	41.20%
43	\$1,724,429	GLEN ROSE ISD	70.50%	1.20%	26.50%
44	\$1,714,001	HIGHLAND PARK ISD	92.40%	0.40%	3.60%
45	\$1,654,740	WESTBROOK ISD	65.80%	3.40%	30.40%
46	\$1,622,713	GRAFORD ISD	86.10%	0.00%	12.10%
47	\$1,620,940	PRINGLE-MORSE CISD	65.00%	0.00%	34.20%
48	\$1,579,428	NURSERY ISD	65.80%	6.30%	27.90%
49	\$1,545,571	FOLLETT ISD	80.30%	0.00%	16.80%
50	\$1,538,599	LEON ISD	70.80%	3.30%	22.90%

*ADA= Average Daily Attendance

Appendix B

50 Poorest School Districts as measured by the Texas School Finance System (2009-2010)

Rank	Wealth per ADA	Independent School Districts (ISD)	% White	% Black	% Hispanics
1	\$107,898	GRAPE CREEK ISD	61.40%	1.50%	36.70%
2	\$107,161	EAGLE PASS ISD	1.00%	0.10%	97.20%
3	\$106,662	RIO GRANDE CITY CISD	0.10%	0.00%	99.60%
4	\$106,615	COOLIDGE ISD	27.20%	24.70%	47.70%
5	\$104,738	WESTPHALIA ISD	73.60%	0.00%	25.00%
6	\$104,456	BROWNSVILLE ISD	1.80%	0.20%	97.70%
7	\$103,342	MISSION CISD	1.00%	0.10%	98.70%
8	\$102,884	MAUD ISD	89.30%	7.60%	1.40%
9	\$102,461	AVERY ISD	87.00%	3.10%	6.50%
10	\$102,065	CHAPEL HILL ISD	66.40%	2.20%	29.30%
11	\$101,429	PHARR-SAN JUAN-ALAMO ISD	0.80%	0.30%	98.60%
12	\$101,011	SAN DIEGO ISD	0.90%	0.10%	99.00%
13	\$99,854	SOMERSET ISD	13.80%	1.40%	84.50%
14	\$99,710	SOUTHSIDE ISD	10.90%	1.60%	86.90%
15	\$98,660	LA FERIA ISD	6.20%	0.20%	93.50%
16	\$98,064	LASARA ISD	1.50%	0.00%	96.70%
17	\$97,874	RICE ISD	48.10%	3.10%	48.80%
18	\$95,781	BEN BOLT-PALITO BLANCO ISD	7.10%	0.00%	92.60%
19	\$95,713	POTEET ISD	14.80%	0.70%	84.40%
20	\$95,465	SPLENDORA ISD	76.00%	1.20%	22.00%
21	\$95,359	HAWLEY ISD	86.90%	0.80%	10.80%
22	\$94,001	WESLACO ISD	1.60%	0.10%	97.90%
23	\$91,268	HARLANDALE ISD	3.10%	0.50%	96.00%
24	\$90,596	HUNTINGTON ISD	92.40%	2.50%	4.60%
25	\$89,265	ROBSTOWN ISD	1.30%	1.00%	97.40%
26	\$89,079	LAREDO ISD	0.50%	0.10%	99.20%
27	\$88,012	ORANGE GROVE ISD	42.10%	0.40%	57.20%
28	\$85,709	NEW SUMMERFIELD ISD	18.60%	5.40%	75.60%
29	\$85,133	RIO HONDO ISD	3.20%	0.10%	96.60%
30	\$84,940	VALLEY VIEW ISD	0.20%	0.00%	99.70%
31	\$84,286	LA PRYOR ISD	6.80%	0.20%	93.00%
32	\$84,025	EDGEWOOD ISD	0.60%	1.40%	97.80%
33	\$78,638	CLINT ISD	3.30%	0.90%	95.30%

34	\$75,871	ROMA ISD	0.10%	0.00%	99.90%
35	\$74,646	LA JOYA ISD	0.50%	0.00%	99.20%
36	\$72,418	MONTE ALTO ISD	1.70%	0.00%	98.20%
37	\$71,798	SAN BENITO CISD	1.00%	0.30%	98.60%
38	\$70,112	MCLEOD ISD	94.00%	2.80%	2.30%
39	\$64,184	PRESIDIO ISD	1.60%	0.00%	96.80%
40	\$63,685	MERCEDES ISD	0.60%	0.20%	99.10%
41	\$61,948	OLFEN ISD	44.00%	0.00%	56.00%
42	\$61,643	SANTA MARIA ISD	0.30%	0.00%	99.70%
43	\$57,975	DONNA ISD	0.60%	0.10%	99.20%
44	\$53,229	SANTA ROSA ISD	1.90%	0.30%	97.80%
45	\$52,699	FABENS ISD	1.50%	0.00%	98.40%
46	\$49,273	PROGRESO ISD	0.00%	0.00%	99.90%
47	\$40,049	TORNILLO ISD	0.20%	0.10%	99.30%
48	\$40,033	EDCOUCH-ELSA ISD	0.20%	0.20%	99.60%
49	\$35,448	SAN ELIZARIO ISD	0.30%	0.10%	99.50%
50	\$30,145	BOLES ISD	85.40%	3.20%	8.30%

*ADA= Average Daily Attendance