

EXPLORATION OF VARIABLES LEADING TO ALTERNATIVE
EDUCATIONAL PLACEMENTS IN TEXAS

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DEDICATION

For my husband, Rusty Waller, my children, Amanda, Jared, Jonathan, Zoey, Sam, Jessi, Erin, my grandchildren, Victoria, Miriam, Gabriel, Reagan, Marissa, Christian, and Allie, thank you for your never-ending patience, love, and support. For my mother, Sylvia Snider and my sister, Suzette, thank you also for your understanding. I know my time to spend with you has been limited. Thank you for never giving up on me.

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ABSTRACT

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The purpose of this study was to explore variables related to student placement in alternative educational settings in the state of Texas. Archival research was conducted utilizing the Academic Excellence Indicator System (AEIS) of all Texas public school districts for the 2011-2012 academic year, excluding charter schools. The variables utilized in the study were percentages of discretionary disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficient, African American, Hispanic, and white students. Multiple linear regression was used to examine variables contributing to disciplinary alternative placement for students in Texas. The findings indicated that students identified as at-risk and those of African American heritage have higher percentages of disciplinary placements than students identified as economically disadvantaged, limited English proficient, Hispanic, white, or receiving special education services.

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CHAPTER I

INTRODUCTION

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

Federal Guidelines

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

Both IDEA (1997) and the reauthorized IDEIA (2004) provide states and individual school districts with guidance when dealing with students with disabilities in regards to discipline issues and free and appropriate education (FAPE). Hartwig and Ruesch (2000), report that IDEA (1997) addresses how a school's discipline code and free and appropriate education interlock. IDEA (1997) provided direction for schools to

utilize proactive measures to insure that all students follow school rules, and gave guidance regarding how students whose behavior significantly violates school discipline codes could be removed from their current placement. Additionally, IDEA (1997) provided guidance in the required continuation of services for students who receive a change in educational placement as part of their discipline.

The reauthorization of IDEIA (2004) made significant changes regarding discipline procedures for students receiving special education services. States and local school districts were given direction to examine discipline decisions regarding a student with a disability on a case-by-case basis through a manifestation determination (MD) review conducted, in Texas, by the Admission, Review and Dismissal (ARD) Committee if changing a student's placement for more than ten days. The committee reviews all relevant information, including the student's individualized education program (IEP). Additionally, parental information and observations by school personnel are considered. The committee is given the responsibility of examining the student's misconduct and answering two specific questions. First, was the conduct caused by or was there a direct and substantial relationship to the child's disability. Secondly, was the misconduct a direct result of the local education agency's (LEAs) failure to implement the IEP (TEA, 2009). Additionally, the reauthorization of IDEIA (2004) expanded the mandatory suspension infractions to include the infliction of serious bodily injury, clarified the meaning of change of placement and provision of services as well as established

procedures for expedited hearing, and placement of students when the discipline decision had been appealed (U.S. Department of Education, 2006).

State Guidelines

Meeting the state expectations regarding policies, procedures, and programs allows the LEA to qualify for educational funding (Burrell & Warboys, 2000). The Texas Legislature creates and amends, as necessary, the state education code to align with federal laws.

LEAs are charged with developing discipline policies, procedures, and programs for students with and without disabilities that meet state and federal requirements. Stipulations are placed on what each school district's student code of conduct must contain.

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

District Guidelines

One option a district has for removing students with disruptive behavior is placement in an alternative educational placement. Students having received DAEP

placement are held to the minimum academic standards of their peers in their former placement (TEA, 2009). The student is then provided educational programs, which allow for continued progress towards achieving grade level essential skills and knowledge as well as gain credit towards graduation (TEA, 2009).

Cortez and Cortez (2009) reviewed all disciplinary placements as reported to the Texas Education Agency during 1996 through 2006. The results of their review indicated that Texas students placed in DAEP scored in both mathematics and reading state assessments significantly below the state averages. Gregory, Skiba, and Noguera (2010) synthesized research on school discipline in regards to racial and ethnic patterns and suggested that suspension or expulsion of students and placement in DAEP potentially contributed to the lack of academic achievement and the increase risk of anti-social behavior. A program designed to give students who are disruptive in the classroom and school environment the ability to continue their education and allow growth and acquisition of knowledge in complying with behavioral expectations may, in fact, contribute to the student repeatedly facing academic failure, underachievement, frustration, and decreased self-esteem (Miles & Stipek, 2006). Students placed in DAEP, when transitioned back to their home campus, often display higher rates of disruptive behaviors that again lead to multiple DAEP placements (Gregory et al., 2010).

Students Receiving Disciplinary Placements

Students who receive disciplinary placement outside the general classroom can be categorized into two broad groups: those receiving mandatory placement and those

receiving discretionary placement. Mandatory placement is for students who have committed at least one felonious offense such as assault, drugs, weapons, theft, terroristic threat, manslaughter and murder. These students are deemed to be a danger to themselves or others. Cortez and Cortez (2009) reported that twenty percent of students receiving educational services in Texas DAEPs were placed mandatorily. The infractions of the remaining eighty percent of students receiving discretionary placement infractions include truancy, inappropriate language, or habitual misbehavior.

Foley and Pang (2006) surveyed eighty-four directors and principals of alternative programs for the state of Illinois and found that students attending alternative education programs are from all ethnic groups. Gregory et al. (2010) found that regardless of the ethnic groups, males are more likely than females to receive discretionary disciplinary placements. African American males have the highest prevalence of receiving disciplinary actions.

Gregory et al. (2010) referred to a study conducted by Gregory (1997) that resulted in African American males being 16 times more likely to receive suspension from school than white females. Mendez and Knoff (2003) examined data for 142 general education schools within a specific west central Florida school district for the school year 1996-1997 and found that African American girls are suspended three times more often than white or Hispanic females and African American boys are suspended two times more often than white males. Mendez and Knoff (2003) also found that the suspension overrepresentation of African American students begins in elementary school.

Cortez and Cortez's (2009) study of Texas data revealed that one out of every four African American students and one out of two Hispanic students receive suspension or expulsion from general education campus resulting in placement in DAEP.

Cortez and Cortez (2009) also found that the Texas data revealed the average length of time a student spends away from the general education campus in discretionary placement is approximately 36 educational days. This is slightly less than 20% of the school year. Additionally, students assigned once to DAEP often find themselves assigned multiple times within the same year.

In summary, the literature indicates a negative relationship exists between disciplinary placement and academic performance. Students receiving disciplinary removal from the general education classroom are at an increased risk of not completing high school. This indicates the need for examination of disciplinary placements across all categories of students, especially those in the categories of African American, Hispanic, at-risk, limited English proficient, low-socioeconomic, and those receiving special education services.

Statement of the Problem

Texas regulations require that each alternative education program provide five areas of instruction; English language arts, mathematics, science, social studies and self-discipline (Cortez & Cortez, 2009). According to Cortez and Cortez (2009) the most vulnerable students are most often placed in DAEP with teachers who are not qualified or do not have vertically aligned curriculum to keep the student working on the same level

as the program from which he or she transferred. Additionally, there may be one teacher certified in a subject who is responsible for providing instruction to students who are at multiple grade and skill levels. According to Foley and Pang (2006) students in DAEP do not have the academic skills to be successful. These concerns raise questions regarding discipline placement in DAEP settings.

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

Thompson and Webber (2010) state:

Although many strategies are available for educators' use in schools to manage students whose challenging behaviors present frequent disciplinary problems, the most familiar disciplinary methods are punitive. Common responses to discipline problems include detentions, suspensions, expulsion, and other forms of punitive punishment (Maag, 2002). However, punitive measures have been shown to have little effect in dissuading students from engaging in disruptive behavior at school (Maag, 2002). In addition, suspension and expulsions are not only exclusionary

disciplinary practices, they have been documented to disproportionately penalize minority student and ultimately fail to achieve the intended goal of promoting pro-social decision making (Cameron & Sheppard, 2006; Fenning & Rose 2007; Skiba, Michael, Nardo, & Peterson, 2002; Skiba, Peterson, & Williams, 1997) . (pp. 71-72.).

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

Purpose of the Study

The purpose of this study was to explore factors related to student placement in alternative educational settings in the state of Texas. Archival research was conducted utilizing the Academic Excellence Indicator System (AEIS) of all Texas public school districts for the 2011-2012 academic year, excluding charter schools. The variables utilized in the study were percentages of discretionary disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficient, African American, Hispanic, and white students. Multiple linear regression was used to examine variables contributing to disciplinary alternative placement for students in Texas. This examination identified potential relationships to disciplinary placements by

ethnicity, socio-economic status, at risk, limited English proficiency and/or special education assignments.

Research Question

This study answered the following research question.

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

Hypothesis

The following hypothesis was utilized to guide this study.

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

Significance of the Study

This study has the potential to guide further practice and research. Schools are under extreme pressure to ensure that all students succeed academically and behaviorally. Disciplinary policies, practices, and programs which fail to allow students to gain essential knowledge and skills to be academically successful, learn from mistakes, and

obtain knowledge and practice of behavior expectations in the public school areas should be reviewed, revised, or discontinued.

Research has shown that student misbehavior negatively impacts student academic success. Students suspended or expelled from educational opportunities are not limited to one race, gender, or disability. Campus discipline strategies and administrative attitudes play a significant role in disciplinary placements. “For these reasons policymakers and education agencies are interested in monitoring and assisting school districts in behavior management strategies in order to reduce unnecessary exclusionary discipline” (Booth, Marchbanks III, Carmichael, & Fabelo, 2012, p. 2).

A review of disciplinary practices can also assist school districts in reexamining their current use of exclusionary discipline and making changes that can help improve overall district academic performance (Booth et al., 2012). School districts that monitor campus discipline rates are able to target specific campuses with higher than expected discipline rates allowing the district to plan and implement campus wide interventions to address problematic exclusionary practices (Booth et al., 2012).

The importance in examining Texas school data lies in the fact that approximately one out of every five students in the United States is educated in Texas. The demographics for Texas’ student population are diverse. “Currently, 33% of students in Texas are white, 14% are African American, and 49% are Hispanic or Latino” (Booth et al., 2012 p. 3). The discipline rates for Texas are “comparable to other large states like California and Florida” (Booth et al., 2012 p. 3).

Because the research strongly indicates that disciplinary action negatively impacts academic performance, the findings of this study provide information to guide practice and research regarding disciplinary placements in Texas. Additionally, since Texas can serve as a model for the nation, the findings of the study are significant in a broader national context.

Method

This study conducted archival research on the Academic Excellence Indicator System (AEIS) maintained by the Texas Education Agency. District level percentages of disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for the 2011-12 were extracted with the assistance of online data cutting tools for subsequent analysis. Descriptives of number, mean, standard deviation, minimum, and maximum values for each identified variable are provided.

Multiple linear regression was utilized to examine relationships between the percentage of disciplinary placements and (1) special education enrollments, (2) economically disadvantaged, (3) at-risk, (4) limited English proficiency, (4) African-American, (6) Hispanic, and (7) white students for Texas school districts for 2011-12.

Definitions of Terms

The following terms are described according to their use in the study.

Academic Excellence Indicator System (AEIS). The academic excellence indicatory system “pulls together a wide range of information on the performance of students in each school and district in Texas every year (TEA, n.d.a).

Admission, Review, Dismissal Committee (ARD Committee). “The admission, review, dismissal (ARD) committee is composed of a student’s parent(s) and school personnel who are involved with the student. The ARD committee determines a student’s eligibility to receive special education services and develops the individualized education program (IEP) for the student (TEA, 2002).

African-American. African American is defined as a person having origins in any of the black racial groups of Africa (U.S. Office of Personnel Management, n.d.).

Alternative Education Programs (AEP). Alternative education programs are disciplinary setting for students who have committed an offense of the student code of conduct or of state law. “AEPs operated by the school district are called Disciplinary Alternative Education Programs (DAEP). Juvenile Justice Alternative Education Programs (JJAEP) are operated by the juvenile justice system” (TEA, n.d.b).

At-Risk. At-risk is an indicator code used to identify students at risk of dropping out of school based on state-defined criteria. The criteria includes failure to advance from one grade to the next for one or more years; failure to obtain a minimum grade of 70 in two or more core subjects in a semester of the preceding or current school year; failure to meet minimum passage standards on the state assessments; is in prekindergarten through grades 3 and did not perform satisfactorily on a reading readiness test or state assessment administered in the current school year; is pregnant or a parent; has been placed in an alternative education program during the preceding or current school year; has been expelled during the preceding or current school year; is currently on parole,

probation, deferred prosecution, or other conditional release; was previously reported through the PEIMS to have dropped out of school; is a student of limited English proficiency; is in the custody or care of the Department of Protective and Regulatory Services or has been during the current school year; is homeless; or is currently residing or has resided in the preceding year in a residential placement facility (PEIMS, 2011).

Case-by-case Review. Case-by-case review is the distinction allowed by IDEA §300.536 permitting school personnel to review the discipline history, ability to understand consequences, expression of remorse, and supports, provided to a student with a disability, who violates the student or school code of conduct prior to determining if a disciplinary change of placement is appropriate (NICHCY, 2010c).

Change of Placement. Change of placement is the removal of the student from his or her educational setting for more than 10 consecutive days or when the student has been subjected to a series of removals that constitute a pattern (NICHCY, 2010a).

Disciplinary Alternative Education Programs (DAEP). Disciplinary Alternative Education Programs (DAEPs) are alternative educational environments for students who commit virtually any disciplinary violation or certain criminal offenses specified in Chapter 37 of the Texas Education Code (Levin, 2005).

Economically Disadvantaged. Economically disadvantaged is a code given to students who are eligible for free or reduced-price lunch or eligible for other public assistance (PEIMS, 2011).

Free, Appropriate Public Education (FAPE). Free, appropriate public education “means special education and related services that are provided at public expense, under public supervision and direction, and without charge; meet the standards of the state educational agency; include an appropriate preschool, elementary, and secondary school education in the state involve; and are provided in conformity with an individualized education program” (NICHEY, 2010b).

Hispanic. Hispanic or Latino is a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish Culture or origin regardless of race (U.S. Office of Personnel Management, n.d.)

IDEA – The Individuals with Disabilities Education Act. The Individuals with Disabilities Education Act is the federal legislation implemented in 1997 and reauthorized in 2004 providing guidance for educating students with disabilities.

Individualized Education Program (IEP). The individualized education program is defined by the Individuals with Disabilities Education Act as a written statement for a child with a disability that is developed, reviewed, and revised annually in compliance with §300.320 through §300.324. The written statement is to include the student’s present levels of academic and functional performance, a statement of measurable annual academic and functional goals, a description of how the student’s progress toward the measurable goals will be measured, how often and by what means the parents will be notified of the student’s progress in meeting the measurable goals; a statement of special education, related, and supplementary aids and services as well as modifications and

accommodation supports that will be provided to the student. Additionally, the IEP must contain a statement explaining how the student will participate with nondisabled peers in the regular class and in non-academic activities. The IEP must also contain information regarding goals and objectives that lead to transition from high school into post high school life (NICHEY, 2010b).

Interim Placement Setting. An interim placement setting is an alternative education setting for students temporarily removed for disciplinary purposes from their regular instructional settings (TEA, 2007)

Juvenile Justice Alternative Education Program (JJAEP). The juvenile justice alternative education program is an off-campus program operated under the authority of a juvenile board of a county for students that have been expelled for criminal offenses. The main objective is to take at-risk students coming from diverse backgrounds and rehabilitate them to the point that they can be placed back in their home school districts with a good chance of academic success (TEA, n.d.b).

Juvenile Residential Facilities Program (JRFP). A juvenile residential facilities program is a facility operated by a state agency or political subdivision, including a child placement agency, that provides 24-hour custody or care of a person 22 years of age or younger, if the person resided in the facility for detention, treatment, foster care, or any non-educational purpose (TEA, 2009).

Limited English Proficiency (LEP). Limited English Proficiency is a code given to students identified by the Language Proficiency Assessment Committee according to criteria established in the Texas Administrative Code (PEIMS, 2011).

Local Education Agency (LEA). A local education agency is a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools (U.S. Office of Personnel Management, n.d.).

Manifestation Determination (MD). A manifestation determination is a review of criteria to determine if a student's behavior subject to disciplinary change of placement is caused by the student's disability or a failure by the Local Education Agency (LEA) to implement the student with disabilities Individualized Education Plan (IEP).

Pattern. A pattern exists when the series of removals total more than 10 school days in a school year; when the student's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and when additional factors exist such as the length of each removal, to total amount of time the child has been removed, and the proximity of the removals to one another (NICHEY, 2010a).

Related Services. Related services are those services that assist a student with a disability in benefitting from educational services (NICHCY, 2010d).

Serious Bodily Injury. Serious bodily injury is defined as bodily injury which involves (a) a substantial risk of death; (b) extreme physical pain; (c) protracted and obvious disfigurement; or (d) protracted loss or impairment of the function of a bodily member, organ, or mental faculty (U.S. Department of Education, 2006).

Special Education. Special education is considered “specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including instruction conducted in the classroom, in the home, in institutions, and in other settings” (U.S. General Accounting Office, 2001).

Special Education Enrollment. Special Education enrollment refers to students served by programs for students with disabilities (PEIMS, 2011).

State Education Agency (SEA). A state education agency is the formal governmental label for the state-level government agencies within each U.S. state responsible for providing information, resources, and technical assistance on educational matters to schools and residents (Education.com, n.d.)

Student Code of Conduct. The student code of conduct contains disciplinary policies established by each individual school district that comply with their state’s education code (TEA, 2009).

Student with a Disability. A student with a disability is a child with intellectual disabilities, “hearing, speech, or language impairments, visual impairment; orthopedic impairments, serious emotional disturbance; autism; traumatic brain injury, other health

impairment; or specific learning disabilities who for this reason needs special education and related services” (U.S. General Accounting Office, 2001).

Texas School Districts. Texas school districts for the purpose of this study are defined as publically supported school districts excluding charter or private schools.

Unique Circumstance. Unique circumstance is a case-by-case examination by school personnel who know the student and are familiar with the facts and circumstances regarding a child’s behavior which occurs when determining whether a disciplinary change in placement is appropriate for a child with a disability (NICHEY, 2010a).

White. White is a person having origins in any of the original peoples of Europe, the Middle East, or North Africa (U.S. Office of Personnel Management, n.d.)

Zero-tolerance. Zero-tolerance is “the term given to a school or district policy that mandates predetermined consequences for various student offenses” (Taras, Frankowski, McGrath, Mears, Murray & Young, 2003).

Limitations

This study was limited by the following factors.

1. Data included in the AEIS are self-reported by individual Texas public school districts. As such, all the limitations of self-reported data apply.
2. The most current data available for the AEIS are for 2011-12.
3. The AEIS provides data for Texas public school districts only. Other state data are not available in the AEIS system. Private schools in Texas do not report into the AEIS. Accordingly, these data are not available.

4. The use of percentages in lieu of actual counts ignores school size and might be said to arbitrarily equalize differences in school districts and holds the potential to skew results.

Delimitations

The study was delimited as follows.

1. The study was restricted to data retrieved from the AEIS.
2. Only district level data for the 2011-12 year were considered.
3. Only public school districts were included in the study. Charter schools were not examined.
4. The research examined only the percentage of disciplinary placements, rather than actual counts, for special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students.

Assumptions

The following assumptions were made for this study.

1. Pertinent, valid, and reliable data exist in the AEIS database and can be extracted for the purpose of this study.
2. The data are accurate and correctly recorded.
3. The data are usable and appropriate for this study.
4. Examination of the data has the potential to impact future practice and research.

CHAPTER II

REVIEW OF THE LITERATURE

Chapter two details the literature that is relevant to this research study. This chapter includes a review of the history of discipline, federal laws addressing school discipline, and the Texas school discipline code. Types of disciplinary alternative educational programs, use of suspension and expulsion, as well as the literature regarding the characteristics of alternative educational facilities are also examined. In addition, the literature concerning demographics by special education, economically disadvantaged, at-risk, limited English proficient, African American, and White students is reviewed. Finally, an examination of literature regarding alternative education success or failure is provided.

History of Educational Discipline

Many Americans view discipline in the educational setting as a major concern (Smith & Rivera, 1995). An educational environment where students conduct themselves in a civil manner following set expectations leads to learners feeling safe, cherished and valued (Lamont, 2013). Fabelo, Thompson, Plotkin, Carmichael, Marchbanks III, and Booth (2011) stated that the basic objective of “the school discipline system is to correct student behavior, increase student compliance with the code of conduct and prevent additional rule-breaking or criminal activity” (p. 61). To examine disciplinary alternative programs within the context of Texas schools, it is necessary to review historical

information for the United States as well as educational laws which currently influence and define discipline in our schools.

According to a Gallup poll, 98% of the public polled believed “a primary purpose of public education should be to prepare students to be responsible citizens” (Bear, 1998, p. 16). Since the beginning of public education in the United States, discipline has been administered so that learning could occur in the most advantageous environment possible. School administrators and educators have struggled with how to most effectively respond to disobedience, particularly those acts which constitute serious misconduct (Bear, Quinn & Burkholder, 2001).

Between the seventeenth and nineteenth centuries, discipline was administered in view of all students by using a “whipping post” or “other paddling devices” (Insley, 2001, p.1044). This form of corporal punishment allowed fellow students to witness the consequences of misbehavior and served as a deterrent for repeated disobedience (Insley, 2001). Social changes brought about by such initiatives as the civil rights and women’s rights movements in the 1950s and 1960s also influenced changes in the public school arena. Issues of corporal punishment and embarrassment began to be reconsidered (Hanson, 2005).

During the 1960s, paddling the student in clear view of peers was removed and discipline began to be administered in the privacy of the principal’s office. Hanson (2005) emphasized that student embarrassment through corporal punishment became unacceptable and ineffective in larger schools.

In the late 1970s and early 1980s, in-school suspension became an alternative method of discipline to corporal punishment (Hanson, 2005). In-School suspension was considered to be the “rehabilitation model” (Insley, 2001, p. 1045). Out-of-school suspension and expulsion became another method of discipline for dealing with unruly students (Hanson, 2005; Insley, 2001). In the 1975 United States Supreme Court ruling *Gross v. Lopez*, the justices held that public school districts must conduct a hearing prior to a student being suspended from school. The court found that if a student was not provided with a hearing prior to suspension the due process clause established in the fourteenth amendment would be violated. Through *Gross v. Lopez*, the minimum due process rights afforded to public school students were established (Hanson, 2005).

In the late 1980’s and early 1990’s, the federal fight on drugs and drug trafficking influenced public schools to take harsh measures to assure students were provided with a safe, drug free learning environment (Hanson, 2005; Insley, 2001; Wallace, Goodkind, Wallace, & Bachman, 2008). As early as 1989, some schools in New York, California, and Kentucky made possession of drugs, engaging in fighting, and activities related to gangs offenses carry consequences of mandatory expulsion (Skiba, 2000).

With the national spotlight focused on an apparent increase in aggression and criminal behaviors, concerned citizens, parents, and policymakers held educators responsible for instituting effective measures to combat deviant acts (Homer, 2000; Jackson & Panyan 2002; Safran & Oswald, 2003). As school violence became nationally more visible, lawmakers on both the federal and state levels passed legislation policies

known as “get tough” and “zero tolerance” that showed no lenience for specific infractions (Insley, 2001; Lewis-Palmer & Sugai, 1999; Safran & Oswald, 2003). Skiba and Peterson (2003) pointed out that school violence does not occur only in specific locations with one category of student but rather, “cuts across class, geographical location and the presence or absence of a disability label” (p. 335).

Over the past twenty years there has been an increase in harsh punitive discipline within public schools; although there has been a decrease in youth crime (Cole & Heilig, 2011). Frequently schools administer predetermined discipline for both significant and minor misbehavior including tardiness, noncompliance, truancy, and showing disrespect to those in authority (Cole & Heilig, 2011). Discipline as used in public education today is “synonymous with zero tolerance - punishing all misbehavior severely in order to send a message to potential troublemakers” (Skiba & Peterson, 2003, p. 66). School districts utilize the most severe consequences in their discipline arsenal of out-of-school suspensions and expulsions to punish students who display unacceptable behaviors (Lamont, 2013).

Federal Laws Addressing Discipline

The Federal government has viewed the education of America’s children as an area, which required legislation of minimum standards, thus discipline of public school students is covered in educational federal legislation. Through several federal legislative acts, Congress has required both state and local education entities to implement specific policies related to discipline in school. Two such measures are the Gun-Free Schools Act

of 1994 and the Individuals with Disabilities Education Act (U. S. General Accounting Office, 2001).

The Gun Free Schools Act of 1994

Fueled by widely publicized incidents of violence in schools, the Clinton administration in 1994 endorsed The Gun-Free Schools Act. Lamont (2013) stated, “The Gun-Free Schools Act of 1994 (Pub L No. 103-882, §14601) popularized the concept of zero tolerance in the theory and practice of behavior control and discipline in school . . . (p. e1001). Specifically, this legislation tied federal education funding for public school to states adopting tough policies on guns and explosive devices on school property (Insley, 2001; Skiba, 2000; Wallace, et al., 2008). The Act contained several directives that states were to follow in order to continue to receive federal dollars for education (Insley, 2001).

The Gun-Free School Act, “defined weapon as firearms” and mandated that students who brought guns or other explosive devices on campus receive a minimum of one calendar year expulsion from school (Insley, 2001, p.1046). Additionally, if a student brought a gun or other explosive device on campus he/she was to be referred to the criminal justice authorities (Insley, 2001; McCarthy & Soodak, 2007; Skiba, 2000; Taras, et al., 2003). The Act further provided discretionary exemption, meaning that each Local Education Agency’s (LEAs) “Chief Administrative Officer” (Skiba, 2000, p.4) was to be given the authority to modify the disciplinary action on a case-by-case basis for each mandatory expulsion (Insley, 2001). Due to the “discretionary exemption” clause, schools are not “required to expel students under federal law” (Insley, 2001, p. 1050).

Another direction provided by the Gun Free School Act of 1994 was that states were not required but were allowed the option of providing alternative educational options for those students receiving suspension or expulsion (Insley, 2001). Finally, the act allowed states to expand the list of behaviors which could be included in the zero tolerance policy (Insley, 2001).

An important distinction is that although not contained in the Gun-Free Schools Act, the “Due Process Clause of the Fourteenth Amendment” has been quoted by the United States highest court as necessary when a student is to face expulsion as a disciplinary consequence for his or her behavior (Carroll, 2008, p. 1924). Carroll (2008) stated that the Supreme Court found that a student facing suspension or expulsion must be provided with “some kind of notice and afforded some kind of hearing” (p. 1924).

Zero tolerance policies were in place and enacted in almost all State laws by 1995 and those states without zero tolerance policies quickly followed with adoption of the Gun-Free Schools Act (Insley, 2001). Fabelo et al. (2011) declared that by 1997 more than 79% of schools throughout the United States had zero tolerance policies addressing drugs, alcohol, and violence.

The Gun-Free Schools Act did not limit States from expanding zero tolerance behaviors, therefore there is great variation between states as to behaviors deemed zero tolerance offenses. Insley (2001) pointed out that Arizona zero tolerance policy mandated suspension or expulsion for “open defiance of authority”, “disruptive or disorderly behavior” and “excessive absenteeism” while Colorado policy included

“willful disobedience”, “persistent defiance of authority” and “destruction or defacement of school property” (p. 1050). The differences are not limited to Arizona and Colorado. With local LEAs being given the authority to adopt their own student code of conduct, variations in zero tolerance behaviors and consequences often differ within the state. What one district establishes as an offense requiring suspension may not be viewed as an offense requiring suspension in a neighboring district.

State and local policy makers expanded “zero tolerance” policies to include a broad range of student behaviors (Carroll, 2008) including any kind of weapon, drug possession, alcohol (Insley 2001; Skiba 2000) violence/fighting (Insley, 2001; Skiba, 2000) other misconduct (Insley, 2001) threats, swearing, sexual harassment (Skiba, 2000) and possession of tobacco (Insley, 2001). Some states and local school districts have expanded zero tolerance policies to include behaviors that occur outside of the school environment (Skiba 2000). Carroll (2008) stressed that the many of the offenses for which students receive zero tolerance policies are “subjective, nonviolent offenses” (p. 1939).

As mentioned previously, the Guns-Free School Act of 1994 gave birth to the Zero Tolerance policy. Zero Tolerance was designed to provide a safe environment for students as well as provide each student with an academically beneficial learning environment (Bear, et al., 2001). The policy however; is not without critics.

Skiba & Peterson (1999) stated that zero tolerance policies “punish all offenses severely, no matter how minor” (p. 373). Insley (2001) stated, “mandatory punishments

issued under zero tolerance policies often exclude innocent children from school for non-violent behavior” (p. 1040). Taras et al. (2003) stated that the zero tolerance policy should be viewed as a “one-punishment-fits-all” discipline approach (p. 1206). Carroll (2008) declared that under the zero tolerance policy, schools expel students for harmless actions such as non-compliance and cursing. Wallace, et al. (2008) surmised that many of the behaviors sanctioned as zero tolerance infractions have little or no impact on student and school safety. In *Opportunities Suspended* zero tolerance policies were portrayed as causing harsh suffering to families of children (Civil Rights Project, 2000). Often the student was disciplined for behaviors common to their developmental stage, which was trifling and of no safety concern (Civil Rights Project, 2000). Behaviors once viewed as “childhood pranks” have resulted in felony charges (Civil Rights Project, 2000, p. vii). Hanson (2005) found that zero tolerance policies “cast a wide net” which punishes both minor and major infractions with the same severe penalties as an example to the students considering similar infractions (p. 301).

Zero tolerance policies have also been viewed as “being a brutally strict disciplinary model” that caused students, especially those labeled at-risk to become increasingly disenfranchised with the learning environment and increased the actions the disciplinary action sought to alleviate (Civil Rights Project, 2000, p. 2). Safran and Oswald (2003) proposed that zero tolerance disciplinary measures increase behaviors the policy was designed to diminish. Zero tolerance policies have also been controversial because the punishment for relatively minor offenses (having a nail file at school) are

often held to the same strict suspension or expulsion policies of more serious offenses (having a switchblade at school) (Insley, 2001; Skiba, 2000). Concerning zero tolerance policies, Carroll (2008) stated guidelines have “created a situation in which American public schools expel tens of thousands of students each year, often for minor, first-time offenses” (p. 1909).

In *Opportunities Suspended* zero tolerance is viewed as “unfair”, and “contrary to the developmental needs of children,” which frequently “results in the criminalization of children” (Civil Rights Project, 2000, p. 15). Additionally, *Opportunities Suspended* viewed zero tolerance policies as causing a developmental dilemma when the policies were “callously and subjectively meted out” causing students to view adults as “not being sincere when they speak of the need for justice and fairness and then do not take those elements into consideration prior to dictating disciplinary sentencing (Civil Rights Project, 2000, p. vii). “Zero tolerance policies, by their nature, do not provide guidance or instruction” but rather “breed distrust in students toward adults, and nurture and adversarial, confrontational attitude” (Civil Rights Project, 2000, p. vi). According to Skiba (2000) schools that implement fewer components of zero tolerance policies are more safe than school that rely heavily on zero tolerance policies.

Skiba, Reynolds, Graham, Sheras, Conoley and Garcia-Vazquez (2005) reviewed research regarding the effects of policies utilizing zero tolerance. The findings showed that zero tolerance has not been proven to improve school behavior and is not being consistently and fairly administered. The discrepancy appears to be attributable to the

school climate and characteristics as well as the administrative attitudes. The study also found that removing disruptive students did not make the learning environment more favorable. The data did not support the assumption that zero tolerance would be a deterrent to future misbehavior. Actually, suspension appeared to increase the likelihood of future misbehavior (Skiba et al., 2005).

Skiba (2000) suggests that behaviors targeted in the Gun Free Schools Act of 1994, along with its amendments, were very rare issues in the public school system. The majority of suspensions or expulsions were for relatively minor occurrences such as tardiness, disrespect, and noncompliance, covered under the extended zero tolerance policies.

The Gun Free School Act was later amended to include any instrument that could be used as a weapon (Skiba, 2000). It is important to note that the Gun-Free Schools Act of 1994 was repealed with the passage of No Child Left Behind Act (NCLB), which absorbed the Guns Free School Act but added greater specificity (McCarthy & Soodak, 2007; Hanson, 2005).

Carroll (2008) contended that NCLB contains “exclusionary incentives” which entices school districts to expel or suspend students that are likely to fail the state assessments and therefore affect the national report card for adequate yearly progress (p. 1909). Regarding NCLB, Carroll (2008) further stated, this legislation “harms expelled students by creating an accountability system that rewards schools for engaging in exclusionary practices” (p. 1913).

The Individuals with Disabilities Education Act

In 1975 Congress enacted the Education of All Handicapped Children Act (EHA) commonly referred to as Public Law 94-142. This act mandated free appropriate public education (FAPE) for all students determined to have a disability. Additionally, EHA provided that students with disabilities be provided with an IEP along with due process rights. The Act additionally required that students with disabilities be educated in the least restrictive environment (LRE).

Education of All Handicapped Children Act was amended in 1990 and renamed the Individuals with Disabilities Education Act (IDEA) (U.S. General Accounting Office, 2001). According to the United States General Accounting Office (2001), “IDEA is the primary federal law addressing the unique educational needs of children with disabilities” (p.7). First enacted into law in 1990, IDEA was reauthorized in 1997 and 2004.

IDEA 1990 provided the definition of student with a disability. Additionally, least restrictive environment (LRE) and specific learning disabilities (SLD) were defined. IDEA 1990 “provided safeguards to ensure that students with disabilities who engage in misconduct are not unfairly deprived of educational services” (U.S. General Accounting Office, 2001, p. 8).

In the spring of 1997, Congress reauthorized the Individuals with Disabilities Education Act with the final regulations becoming effective in 1999. Skiba (2000) found in the reauthorization of IDEA '97, legislators made an effort of bringing special education legislation in line with the federal zero tolerance policy. Concerning the

reauthorization of IDEA '97 Hartwig and Ruesch (2000) stated, “Congress attempted to legislate . . . a balance consistent with due process, school district needs, applicable research finding, and best educational practices” (p. 240). Specifically, IDEA '97 provided guidance in how schools were to link school rules of discipline and FAPE (Hartwig & Ruesch, 2000). IDEA '97 requires that school districts provide FAPE to students that have been identified as having a disability (U.S. General Accounting Office, 2001). IDEA '97 further dictates that FAPE includes “special education and related services” to address the student needs in “the least restrictive environment” (U.S. General Accounting Office, 2001, p. 3-4). Every student between the ages of 3 and 21 years of age, with an IDEA defined disability has a right to FAPE even if expelled, suspended, or arrested (Burrell & Warboys, 2000).

Hartwig and Ruesch (2000) stated that IDEA 1997 regulates the “methods by which schools are allowed to discipline students with disabilities” (p. 240). IDEA '97, addressed definitions, procedures, and protections for students and their parents when discipline issues arise. School administrators are allowed to remove students with disabilities from the school setting, for 10 consecutive or cumulative days, if the infraction would have resulted in a removal for a student without disabilities. (Hartwig & Ruesch, 2000; U.S. General Accounting Office, 2001). The reauthorization of IDEA made the expectations clear that students with disabilities cannot be expelled without being provided continued services (U.S. General Accounting Office, 2001; Burrell & Warboys, 2000; Bear, 1998). Removals fall into two categories; Short-term and Long-

term. Those lasting ten or fewer days are considered to be short-term. Only removals that exceed ten days, consecutively or cumulatively require a MD hearing and a functional behavioral assessment (FBA) and behavior intervention plan (BIP) and educational services must continue on day eleven. These educational services must include special education and related services the student was receiving prior to the disciplinary process.

The FBA is an individualized assessment of a student's behaviors to "identify the functional relationship between behaviors, antecedents, and consequent events" (Hartwig & Ruesch, 2000, p. 243). Descriptive examination is made utilizing multiple sources such as direct observations, behavioral checklists, interviews and behavior rating scale, for the purpose of explaining problem behavior. The team can develop an appropriate BIP, addressing the problem behavior by analyzing the FBA. Through the FBA and BIP process, the ARDC/IEP team has the opportunity to develop and implement positive "proactive strategies that prevent or teach socially acceptable alternative behavior rather than suppressing undesirable behaviors" (Hartwig & Ruesch, 2000, p. 243). Hartwig and Ruesch (2000) affirms that IDEA '97 makes the assumption that the behavior in question is related to the student's disability until the ARDC/IEP team proves otherwise.

Students being considered for a change of placement are entitled to additional procedural safeguards. In addition to the requirement that the ARDC/IEP team conducts a FBA, BIP and MD hearing, additional steps must be followed. First, written notice of the expulsion hearing must be sent to the student and the parent or guardian of the student if the student is a minor, prior to the hearing. Second, the notice must contain an

explanation of the reasons expulsion of the student is being considered and an explanation that the possibility exists that the hearing may result in the student's expulsion. Third, the notice must explain that the student has the right to legal guidance or representation at the hearing. Fourth, the notice must contain explanation that the student and/or parent or guardian of a minor student has the right to appeal the school district's decision to the appropriate state education agency and/or have the decision reviewed by a state court (Hartwig & Ruesch, 2000).

Interim alternative educational settings (IAES) are disciplinary environments designed to meet FAPE requirements. These IAES, as outlined in IDEA '97, must provide programs that facilitate the student's participation in the general curriculum. Additionally, districts must provide special education instruction, supplementary services, accommodations and modifications as outlined in the student's current IEP that will enable the student to progress toward and/or meet IEP goals. The IAESs are to address behaviors, which resulted in the long-term removal by including positive behavior supports and modifications (Hartwig & Ruesch, 2000). Although the student may be removed from their current educational placement for an extended period of time, he/she may not be denied educational services (U.S. General Accounting Office, 2001).

IDEA underwent a second reauthorization in 2004 under the Bush administration. The name was changed to the Individual with Disabilities Education Improvement Act (IDEIA). The regulations regarding disciplining students with disabilities became updated and more concise in IDEIA (NICHEY, 2010c). The reauthorization provided an

official definition for change of placement (U.S. Department of Education, 2006).

According to §300.536 a change of placement occurs when (1) a student has been removed from educational placement for more than ten days; or (2) when a pattern has been created by the student having been through a series of removals. IDEA '97 and reauthorized in '04 also defined the term “pattern” in §300.536 stating that a pattern exists when (1) the removals from normal placement totals more than ten days within a school year or (2) the student’s conduct is similar to prior behaviors that have resulted in the student being removed from placement; and (3) considering other factors such as length of individual removals, total amount of time the student has been removed from his or her placement and the closeness of the removals to each other (NICHEY, 2010c).

Additionally, IDEIA '04 outlines the extent to which a school may enforce disciplinary consequences for a student with disabilities when the student code of conduct is violated (NICHEY, 2010c). Schools may remove a student with a disability from their current placement, by moving the student to an interim placement setting under certain circumstances when it would be appropriate to suspend or expel the student (NICHEY, 2010c).

The reauthorization of IDEIA '04 gave new authority to school personnel to review unique circumstances on a case-by-case basis (U.S. Department of Education, 2006). The reauthorization of IDEIA '04 allows school administration to consider the appropriateness of a change of placement, for students with a disability if a change of placement would be permitted for non-disabled peers. The case-by-case review of

unique circumstances can only take place if the other disciplinary procedures outlined in §§300.530-300.536 have been fulfilled (NICHEY, 2010c). Unique circumstances may include a student's ability to understand consequences of his or her behavior, the student's expression of remorse, the student's prior discipline history, and supports provided to the student with a disability prior to the code of conduct violation (NICHEY, 2010c). The reauthorization also expanded the ability of school officials to remove students for up to 45 days when the student with disabilities inflicts bodily injury to another person within the school, on school property, or at a school function which is under the state or local education agency jurisdiction (U. S. Department of Education, 2006a; Bear et al., 2001).

Texas State Law Regarding Discipline

In 1995 Texas passed the Safe Schools Act in response to the Gun Free Schools Act. The regulations contained within this act are found in TEC, Chapter 37 (TEA, 2009). TEC. Chapter 37 gives local education agencies (LEAs) guidance to the minimum expectations to which each must adhere. The guidelines require each LEA's board of trustees to annually develop a student code of conduct, which outlines circumstances under which a student may be removed from class and placed in an alternative educational setting. The authority provided by the state to each school district in regards to developing and implementing individualized codes of conduct causes inconsistencies that exist between school districts as to behaviors subject to disciplinary removal and the length of removal (Fabelo et al., 2011).

Parents of students within each LEA are to be provided with the district's adopted student code of conduct annually. The guidelines given in TEC, Chapter 37 also provides minimum disciplinary expectations regarding behaviors, which result in mandatory suspension or expulsion. TEC, Chapter 37 also distinguishes different types of alternative educational settings. These include Disciplinary Alternative Education Programs (DAEP) Juvenile Residential Facilities Programs (JRFP) and Juvenile Justice Alternative Education Programs (JJAEP).

Disciplinary Alternative Education Programs

Alternative Education Programs (AEPs) is the term used that encompasses a variety of disciplinary alternative education programs operated by both the local school districts and the juvenile justice system. AEPs operated by the local school district are called DAEPs. The 2005 TEC, Chapter 37 required Texas public school districts to provide DAEPs for students removed from educational services for more than three consecutive days. These alternative settings are to serve students who violated state or local mandated rules of conduct or those students who have been determined to be disruptive to the education of other students in their assigned schools (TEA, 2007). The goal of DAEP is for "students to return to, and succeed in, their regularly assigned classrooms and schools" (TEA, 2007, pg. 1).

Kochhar-Bryant and Lacey (2005) reported that the information obtained by the National Centre for Education Statistics (NCES), 2002 and 2003 District Survey of

Alternative Schools and Programs, indicated that nationwide AEPs were offered by 88-92% of secondary schools 46% of middle schools and 10-21% of elementary schools.

The physical placement, curriculum and teacher requirements associated with DAEPs are mandated by TEC, chapter 37. Each DAEP program must be provided in a location other than the student's regular classroom. This program can be in a facility separate from the regular campus or on the same campus as the regular classroom setting. If the program is housed on the same campus as the regular campus, suspended students must be kept separate from those students in the general education classrooms. Fifty-nine percent of public alternative educational facilities and programs were not within the regular school but rather in separate facilities (Kochhar-Bryant & Lacey, 2005). Students suspended and placed in an alternative setting must be accounted for in the alternative setting and not as students on the regular campus roster.

DAEPs are required to provide instruction in English language arts, math, science, social studies, and self-discipline. The method of instruction such as self-paced, teacher delivered, or computer delivered is not dictated by legislation. Barbour (2009) described a DAEP as a facility that academic standards were lowered, where students taught themselves from books and the curricula provided was not sufficient to advance the students from one grade to the next. Barbour also stated that subject materials taught at DAEP often do not coincide with that taught at the regular campus and therefore when the student returns to the home campus they are often held accountable for material that has not been taught. A review of state assessment data indicated that students in DAEPs

are not receiving education that meets minimal standards (Barbour, 2009). Reyes (2007) indicated DAEPs in Texas utilize inadequate curriculum and fail to provide courses students must have to advance in grade level or graduate.

Students in DEAP must receive the minimum instructional time set per day as dictated by the state of Texas. The teachers who provide instruction must hold valid certifications in the content areas appropriate for the instructional setting. Teachers holding a position as a special education instructor must also be appropriately certified (TEA, 2007). Each DAEP program is expected to provide for the student's health and safety, behavioral and counseling needs as well as plan the student's transition back onto the general campus. TEC, Chapter 37 also requires suspended students from the elementary setting not be housed with suspended students from the secondary setting (TEA, 2009).

Regarding DAEPs, the Texas Legislative Budget Board raised concerns that (1) all staff assigned to DAEP programs hold a valid Texas teaching certification; (2) DAEP learning environment is not equal to that of the general education campus from which the student is suspended; (3) staff at DAEP have not received adequate training to work with the students they are assigned; (4) courses are not aligned instructionally at DAEP as they are at the general campus; (5) communication between the general education campus and DAEP is lacking; and (6) transitioning students from DAEP back to the student's home campus is inadequate (Fabelo et al., 2011).

Another type of alternative educational setting is the Juvenile Residential Facilities Placement (JRFP). TEC, Chapter 37 provides guidance regarding educational services within JRFPs. These facilities provide educational opportunities for students that have been detained in a secure detention facility and are awaiting adjudication and also those who have been adjudicated and are by court order confined to a secure juvenile residential facility. Such facilities are under the administrative jurisdiction of the juvenile justice board. The educational services are provided by the local school district serving that geographical location. The education commissioner coordinates with the Texas Youth Commission to determine the educational requirements for juvenile residential facilities including the length of the school day, the curriculum requirements, and the annual number of days of instruction. TEC, Chapter 37 also stipulates that individuals receiving educational services in JRFP's be "offered courses that enable the student to maintain progress toward completing high school graduation requirements" (TEA, 2009).

An additional type of alternative placement in the state of Texas is Juvenile Justice Alternative Education Placement (JJAEP) services. TEC, Chapter 37 provides guidelines for this type of alternative education facility. Any school district with a population of 125,000 or more must provide a JJAEP program. JJAEPs provide educational services to students expelled from school or students that have been adjudicated to be provided alternative educational services. This facility usually serves students who have been charged with a felony count that carries mandated expulsion from public school. Additionally, this facility serves those students previously found

guilty of a felony and having already served their sentence in a secure juvenile facility the opportunity, upon their release, to complete their public high school education. JJAEPs are to provide instruction in English language arts, mathematics, science, social studies and self-discipline with credits being earned from the local school district. High school students receiving services in JJAEP are to have a graduation plan and make progress towards obtaining the necessary requirements for graduation. Additionally, JJAEPs are to provide instruction a minimum of seven hours per day for a minimum of 180 days. School districts falling under the 125,000 population requirement may choose to establish a program to serve expelled students but they are not considered to be JJAEPs (TEA, 2009).

Specific infractions are to receive either mandatory suspensions or expulsions. TEC, Chapter 37 not only contains all aspects of federal law, it expands behaviors that are punishable by suspension or expulsion. Those offenses dictated by the TEC to carry mandatory suspension include (1) making a false alarm, (2) terroristic threat, (3) offense of assault, (4) drug or alcohol related behaviors, (5) public lewdness, (6) indecent exposure, (7) any offense which is a felony, and (8) retaliation against a school employee. Many of the offenses which carry mandatory suspension may also carry mandatory expulsions depending on the severity of the offense (TEA, 2009). The LEA's Board of Trustees is given leeway to expand the state's regulations to include circumstances where the administrative staff has the discretion to remove students from the general education classroom (TEA, 2007).

Discretionary placement occurs when students have violated the locally adopted student code of conduct (TEA, 2007). The “Discretionary placement [provision] entitles administrators to decide whether rule breaking warrants alternative education subjecting more students to potential DAEP placement” (Booker & Mitchell, 2011, p. 195).

Discretionary suspensions are for non-threatening behaviors. These behaviors include but are not limited to truancy, defiance, cursing, and failure to respect adult authority. The majority of school suspensions are discretionary (TEA, 2007).

Fabelo et al. (2011) conducted a longitudinal study over 10 years of 928,940 Texas public school students. The study examined discipline data for every student in seventh grade for 2000-2001, 2001-2002, and 2002-2003 school years. These records were then merged with records from the Texas Juvenile Probation Commission which allowed the researcher to track involvement with the juvenile justice system. The researchers found that 87% of those students with juvenile probation records also had public school records. The discipline data was tracked for seventh through twelfth grade (a minimum of 6 years). The researchers found that 59.6% of the middle and high school students examined experienced some form of suspension or expulsion (Fabelo et al., 2011). Studies conducted on the issue of school district discipline district wide have highlighted wide differences across schools when utilizing suspension and expulsion (Skiba, 2000).

The Use of Suspensions and Expulsions

According to Kochher-Bryant and Lacey (2005), NCES defines suspension as the temporary removal of a student from educational activities. In the public school system, suspension is the temporary removal of a student from educational instruction in the general education setting. The suspension can be either in-school suspensions (ISS) or out-of-school suspensions (OSS) (Fabelo et al., 2011; KewalRamani, Gilbertson, Fox, & Provansnik, 2007). According to Fabelo et al., slightly over half of the states (26) require public schools to have alternative educational programs for students suspended or expelled. If a state does not require continuing education programs for students suspended or expelled, then those students miss out on educational opportunities during the time of their disciplinary sanctions (Fabelo et al., 2011).

TEC, Chapter 37 does not specify requirements regarding the in-school suspension educational classroom. Fabelo et al. (2011) pointed out three areas of concern which have been expressed by the “Texas Legislative Budget Board” (p. 20). First, ISS programs have deficient written procedures. Second, concern is raised due to the fact that the staff assigned to ISS programs lack appropriate training to handle the academic and behavioral situations they face. Third, students placed in ISS run the risk of falling behind academically because there are no assurances they will receive the assigned classroom tasks/assignments while serving their disciplinary sanctions.

TEC, Chapter 37 addresses requirements of public school districts regarding the mandatory OSS suspension from the general education classroom of students who engage

in specific behaviors. The behaviors which carry mandatory suspension are (1) sexual assault against another student, (2) false alarm, (3) terroristic threat, and (4) engaging in conduct punishable as a felony. A student must also be suspended for behaviors on or within 300 feet of a school facility for offense of (5) assault, (6) selling, giving, possessing, or delivering to another person marihuana or a controlled substance, a dangerous drug, alcoholic beverage, (7) engaging in public lewdness or indecent exposure, (8) committing a retaliatory offense against a school employee or (9) receiving deferred prosecution for conduct defined as a felony offense (TEA, 2009).

School districts have the authority to suspend students who have violated the student code of conduct. Suspensions resulting from these violations are considered discretionary because the school administration chose to remove the student from the regular educational environment. The majority of students are suspended for minor misbehaviors and non-violent offenses such as abusive language, tardiness, truancy, disrespect, non-compliance general classroom disruption/disobedience, and attendance issues (Losen & Skiba, 2010; Skiba, 2000).

There is no limit to the number of times a student without disabilities may be suspended during a school year. Students in AEPs may also be suspended for breaking code of conduct rules. Students receiving OSS frequently find themselves falling further and further behind academically, which fuels the likelihood for greater disengagement (Fabelo et al., 2011). “Students who experienced suspension or expulsion, especially those who [do] so repeatedly were more likely to be held back a grade or drop out of

school than students who [are] not involved in the disciplinary system” (Fabelo et al., 2011, p. 54). Thirty-one percent of students with one or more suspensions or expulsions repeated the grade level they were in at the time of the removal at least once. Nearly ten percent of students with at least one disciplinary action dropped out of school.

Suspended students often experience negative effects in their academics (Civil Rights Project, 2000). A student who is suspended misses valuable instruction and is often not allowed to make up missed work. The student, especially those who are already struggling academically, continues to fall behind finding himself/herself in a perilous position academically (Civil Rights Project, 2000).

Fabelo et al.’s (2011) longitudinal study revealed that 54% of all Texas public school students experienced in-school suspensions which lasted from one period to several consecutive days. Additionally, “9 out of 10 times the student was suspended or expelled for violating the school’s code of conduct” (Fabelo et al., 2011, p 38). Students receiving ISS accounted for 70% of the disciplinary actions in Texas with male students receiving 59% and female students receiving 41% of ISS. Students receiving OSS accounted for 22% of Texas discipline of which 63.5% were male and 36.5% were female. (Fabelo et al., 2011). The research also found that students receiving OSS missed instruction an average of two days.

Christle, Nelson, and Jolivette (2004) conducted research on data obtained from the Kentucky Department of Education over two consecutive school years. They found that the schools with the lowest suspension rates reported “higher rates of attendance,

academic achievement, and percent of Caucasian students” than the schools with the highest suspension rates (Christle et al., 2004, p. 512). They further found that schools with the highest suspension rates reported “highest dropout rates, more board of education law violations, and more students from low socioeconomic backgrounds” than the schools with the lowest suspension rates (Christle et al., 2004, p. 512). Cole and Heilig (2011) stated “removals perpetuate a cycle of failure whereby students lose access to educational and social development opportunities, fall further behind and become even greater behavioral concerns when they re-enter school” (Cole & Heilig, 2011, p. 5). Taras, et al. (2003) stated that students who are “suspended are often from a population that is least likely to have supervision at home” (p. 1207). Losen and Skiba (2010) state that “a review of national suspension rates since the early 70s for K-12 public schools reveals a substantial increase in the use of suspension for students of all races, as well as a concomitant increase in the racial discipline gap” (p.2).

Cortez and Montecei (1999) reviewed the first data collected by Texas on DAEP and found 70,958 students were assigned to DAEPs during the 1996-1997 school year. The follow-up study conducted by Cortez and Cortez (2009) revealed that DAEP placements 10 years later had increased 93% to 136,938 disciplinary removals. The most common reasons for suspension appear to be for fighting and physical aggression (Losen & Skiba, 2010; Skiba, 2000). Other relatively minor misbehaviors such as disrespect, noncompliance, general classroom disobedience, and attendance issues also lead to suspensions (Skiba, 2000).

Skiba (2000) suggested that behaviors targeted in the Gun Free Schools Act of 1994 and its amendments are very rare issues in the public school system. The majority of suspensions or expulsions are for relatively minor occurrences such as tardiness, disrespect, and noncompliance, covered under the extended zero tolerance policies.

“Expelling students from school is the most serious disciplinary option available to school districts – and when removal from school coincides with court involvement, the impact on young lives can be far reaching” (Fowler, Lightsey, Monger, & Aseltine, 2010, p. 1). KewalRamani, et al., (2007) stated that according to the NCES, expulsion is “the permanent removal of a student from educational instruction with no services” (p. 86).

In Texas, school districts continue to provide educational services when a student has received disciplinary sanctions which removed him/her from the educational environment for more than three consecutive days (Fabelo, et.al., 2011). Expulsions occur as a result of serious behaviors outlined by federal and state guidelines. In addition to public school sanctions, students who commit behaviors that result in expulsion also face criminal investigation because the behavior is reported to the juvenile justice authorities. Expulsion statistically is used with less frequency than suspension. Students who are expelled have usually committed moderately to severe infractions with most being criminal offenses (Skiba, 2000).

TEC, Chapter 37 provides guidelines for school districts in regards to mandatory expulsions. Each LEA’s chief administrator, superintendent, has the authority to review each expulsion on a case-by-case basis to determine the length of the expulsion as long as

the state's minimum of one calendar year is met. Legislators adopting TEC, Chapter 37 mandated expulsion for specific serious behaviors. These behaviors include using, exhibiting, or possession of (1) a firearm, (2) weapon, (3) illegal knife, and/or (3) club. Additionally, individuals who have committed (4) murder, (5) aggravated assault, (6) arson, (7) indecency with a child, (8) criminally negligent homicide, (9) aggravated kidnapping, (10) aggravated robbery, (11) manslaughter, or (12) continuous sexual abuse of a young child must be expelled from public school. Additional conduct that carries required expulsion include (13) any act considered to be a felony and engagement in (14) terroristic threat or (15) false alarm. A student that possesses, uses, gives, sells, or delivers to anyone else, or is under the influence of any amount of (16) marihuana, (17) dangerous drug, (18) controlled substance, or (19) alcoholic beverage is also to be expelled. Furthermore, a student who (20) engages in behavior that contains the elements of an offense which can be related to a volatile chemical or (21) conduct which contains deadly conduct or aggravated robbery are expelled (TEA, 2009).

Fabelo et al. (2011) found in their extensive statewide assessment of student discipline, only 2.7% of the disciplinary sanctions that occurred in Texas during 2001–2010 were expulsions dictated by state and federal law. National data for 2003 indicated that 5% of the students expelled for school were African American compared to 1% for Hispanic and white students (KewalRamani, et al., 2007).

Alternative Education Program Facilities

The state education code stipulates that DAEPs must “meet education and behavioral needs of the students, the program design and content is left to the local school district” (Metze, 2011, p. 17). Alternative Education Programs are as varied as each individual public school districts (Metze, 2011). Fabelo et al. (2011) stated “because there has been little monitoring and oversight of DAEPs, the quality of the programming and instruction varies among districts, with some students in DAEPs poorly served by under-resourced programs” (p. 21). Fabelo et al. (2011) additionally found that Texas students spend an average of 27 days in DAEP when receiving OSS. Of those students, 63.5% are male and 36.5% are female.

Alternative Educational Programs are often housed in facilities which are outdated, below standard, and poorly maintained. Many do not have science laboratories, computer labs, or libraries with current resources. Those facilities that are afforded such luxuries often have antiquated equipment and supplies. Some programs do not provide a “library – books for loan, extracurricular activities, or certified teachers” (Reyes, 2007, p. 76). Foley and Pang (2006) listed several ways alternative educational campuses differ from regular campuses. Among the differences are self-paced, computer-assisted programs, metal detectors, boot camp or point systems, uniforms, low teacher-student ratios, and students being escorted from one area of the campus to another (Metze, 2011; Foley & Pang, 2006).

According to Levin (2005) students attending DAEPs are often subjected to searches, scanning by metal detectors, prohibited from bringing anything other than lunches or jackets to class, and cannot bring or remove assignments or books.

Reyes (2007) referred to disciplinary alternative settings as “underachieving programs” (p. 77) which fall into the category of “low-level punitive” alternative education program model (p. 82). Reyes (2007) stated “[c]ontrary to program descriptions, DAEP policy intentionally disrupts the student’s education by removing the student from the regular classroom, breaking instructional relationships and engagement, and putting the student at-risk of missing instruction without any opportunities to make up the work” (p. 83).

Students in Special Education

A student with a disability is a student with intellectual disabilities, “hearing, speech, or language impairments, visual impairment; orthopedic impairments, serious emotional disturbance; autism; traumatic brain injury, other health impairment; or specific learning disabilities who for this reason needs special education and related services” (U.S. General Accounting Office, 2001). Cortez and Montecei (1999) found that at the emergence of DAEPs, students receiving special education services were overrepresented in school removals exceeding three times their state enrollment levels.

Kochhar-Bryant and Lacey (2005) stated that data from NCES revealed students receiving services in special education and with an IEPs comprised 12% of the alternative education population. Lehr and Lange (2003) reported that a national survey indicated

that 12% of at-risk students were students identified as having a disability. Students with emotional/behavioral disabilities attend alternative educational settings disproportionately to those that attend regular school (Gorney & Ysseldyke, 1993). Students with disabilities are twice as likely to leave school, without graduating, than their non-disabled peers (Blackorby & Wagner, 1996). Of those students with disabilities who do not complete a high school diploma, more than half are students with emotional/behavioral disorders and more than 36% have specific learning disabilities (Lehr & Lange, 2003).

Fabelo et al.'s (2011) research found 74.6 % of the students “who qualified for special education services during the study period were suspended or expelled at least once between their seventh and twelfth grade school years” (p. 47). Of the 928,940 students followed in the study, 122,250 (13.2%) qualified for special education services. Learning Disability accounted for 70.8 % of these students. Emotional disturbance accounted for 9.9 % and 1.6 % were labeled as having autism, mental retardation, traumatic brain injury, or developmental delay. The additional 17.7 % received services due to orthopedic, auditory, visual, speech or other physical health impairments (Fabelo et al., 2011). The research also revealed that of the 70.8 % of students with learning disability, 76.2 % received some form of disciplinary suspension. Additionally, of the 9.9 % of students with emotional disturbance, 90.2 % received disciplinary suspension sanctions. “Students receiving special education services for learning disabilities and emotional disturbances were disciplined more than students with no disability” (Fabelo et al., 2011, p. 50).

Economically Disadvantaged

Balfanz, Herzog, and Mac Iver (2007) conducted a study which followed 12,972 sixth grade students in the Philadelphia school district for 8 years. Their study examined student disengagement in high-poverty urban schools. The results of their study showed that 6% or two hundred twenty-two sixth graders received suspension during their sixth grade year (Balfanz et al., 2007). Of these, only 17% stayed on the graduation pathway and graduated within one-year of their expected graduation date (Balfanz et al., 2007). Inequity in discipline is most prominent for male African American students from low-income families (Monroe, 2005). “According to the 2000 census, children growing up in homes near or below the poverty level are more likely to be expelled” (Taras et al., 2003, p. 1207). Bear (1998) reviewed research relating to effective teaching of self-discipline in the classroom. He stated “children who live in poverty are at a greater risk of being exposed to a combination of socialization factors shown to be associated with discipline problems” (Bear, 1998, p. 17). The factors associated with the students living in poverty include “harsh parental discipline, lack of parental warmth and support, exposure to aggressive adult values and behavior, family life stressors, peer group instability, and lack of cognitive stimulation” (Bear, 1998, p.17). They often face the dilemma of one set of culture and value norms in their homes and communities and a different set at school (Bear, 1998). Cole and Heilig (2011) stated that students who are poor often find themselves “rejected by their schools and sent to an alternative” setting (Cole & Heilig,

2011, p. 4). Texas study found that low-income pupils made up 54.6 % of all school removals when the state low-income enrollment was 48.1% (Cortez & Montecei, 1999).

Economically disadvantaged students in large cities appear to have higher discipline rates than those economically disadvantaged students attending school in the southern United States (Civil Rights Project, 2000). Research substantiates that students of low socio economic status are disciplined at a higher rates and more severely than their peers (Brown & Beckett, 2006; Skiba, Michael, Nardo, & Peterson, 2002). Skiba (2000) stated that a report completed by Beantlinger in 1991 revealed that secondary students believed that students in low socioeconomic situations were unjustly targeted for disciplinary action. The inequality in punishment leads students to believe that because disciplinary policies are administered unfairly therefore disruptive behavior ensues (Brown & Beckett, 2006).

Researchers seek to find reasons to explain the higher rates of disciplinary actions among the demographic distinctions. Monroe proposes that most educators view their upbringing as being from the lower middle to middle class socio-economic standings (SES) and value sets yet more and more of the students in their classrooms are from the lower socioeconomic background and value sets (Monroe, 2005). “Cross-cultural comparisons moored in examinations of race, ethnicity and SES are important as behavioral norms in middle-class and White communities often differ significantly from standards found among low-income and African American populations” (Shade, 1989 as cited in Monroe, 2005 p. 320-321).

At-Risk

According to the Public Education Information Management System (PEIMS) students are at-risk of dropping out if any of the following state defined criteria are present: (1) failure to advance from one grade to the next for one or more years; (2) failure to obtain a minimum grade of 70 in two or more core subjects in a semester of the preceding or current school year; (3) failure to meet minimum passage standards on the state assessments; (4) is in prekindergarten through grades 3 and did not perform satisfactorily on a reading readiness test or state assessment administered in the current school year; (5) is pregnant or a parent; (6) has been placed in an alternative education program during the preceding or current school year; (7) has been expelled during the preceding or current school year; (8) is currently on parole, probation, deferred prosecution, or other conditional release; (9) was previously reported through the PEIMS to have dropped out of school; (10) is a student of limited English proficiency; (11) is in the custody or care of the Department of Protective and Regulatory Services or has been during the current school year; (12) is homeless; or (13) is currently residing or has resided in the preceding year in a residential placement facility (PEIMS, 2011). By the at-risk definition, every student who has been removed from the general education classroom and placed in an alternative educational environment such as ISS is at-risk of not graduating from high school.

Cortez and Montecei (1999) analysis of the first data collected on DAEPs in Texas and found that almost 60% of the students removed from the general education

classroom were labeled “at-risk”. Foley and Pang (2006) stated by the time an at-risk student reaches high school he/she has experienced about ten years of defeat, degradation, dejection, and educational failure.

At-risk students have multifaceted needs which require an intensive support system and educational focus (Kochhar-Bryant & Lacey, 2005). Those youth have a higher likelihood of becoming involved in the criminal justice system, have a higher unemployment rate, and often experience failure evolving into adulthood. Aron (2003) stated that approximately one-quarter of students considered at-risk leave school prior to graduation. It is the at-risk students that need to develop “strong bonds with caring and compassionate adults whom they can trust” in order to succeed (Civil Rights Project, 2000, p. 12). Cole and Heilig (2011) stated “Texas school districts suspend, expel or refer at-risk minority students to alternative school at disproportionately higher rates compared to the overall population” (Cole & Heilig, 2011, p. 6).

Limited English Proficient/Hispanic

KewalRamani et al. (2007) analyzed data obtained by NCES and found that in 2005 demographically 14% of the population of the United States was Hispanic. Hispanic students receiving disciplinary sanction of suspension in 2003 were 10% nationwide (KewalRamani et al., 2007). Lamont (2013) wrote that Hispanic students encounter the effects of the harsh and inflexible mandates of zero tolerance even though the violent acts that prompted the Guns-Free School Act mandate were perpetrated by white students.

During the secondary school years, Hispanic students are overrepresented in removal from the general education environment (Cortez and Cortez, 2009). Skiba et al. (2002) found Latino students were punished more often and more severely than White, American Indian, or Asian students. Brown and Beckett (2006) reviewed an initiative in Cincinnati Public Schools to build consensus between parents, students, teachers, and the school regarding the student code of conduct. Brown and Beckett (2006) stated that Latino students, along with African American and low socio-economic students received harsher punishment at a higher rate than other students.

A literature review conducted by Cartledge and Kourea (2008) regarding culturally and linguistically diverse (CLD) students revealed that CLD learners drop-out at high rates and have great difficulty in meeting state and national standards in basic curriculum. Students who differ culturally from the mainstream are at a greater risk of having their actions and words misunderstood and incorrectly judged (Cartledge & Kourea, 2008). Additionally, CLD students may misinterpret the expectations and act unacceptably due to the lack of understanding. Cartledge and Kourea (2008) also found that students who were both CLD and low-socioeconomic had a need for differentiated instruction that intensely targeted skill gaps. Schools serving CLD students often endeavor to teach behavioral expectations through discipline rather than instruct and model the expectations (Cartledge & Kourea, 2008).

McCardle, Mele-McCarthy, and Leos (2005) stated that English Language Learners (ELLs) often have low achievement scores, are highly mobile, have higher rates

of poverty, and experience high drop-out rates. Typically, CLD students from low-socioeconomic families spend less time daily engaged in academic instruction. Students who are engaged in learning present fewer discipline issues (Cartledge & Kourea, 2008). Cartledge and Kourea (2008) stated, “Students from diverse backgrounds often receive a greater quantity of disciplinary actions and disciplinary actions that are more severe than those that their non-CLD peers receive” (p. 362). Students who are CLD and display concerning behaviors may need intensive instruction to acquire the adaptive behavior skills expected in school rather than harsh exclusionary discipline.

Cortez and Montecei’s (1999) research found that minority student were overrepresented in removals from schools and placed in alternative programs. The primary reasons for removals were for violations of the student code of conduct rather than major violent, dangerous or illegal actions (Cortez & Montecei, 1999). Their examination of 1995-1996 data showed that the highest rate of suspension was Hispanic students making up 43.6% of those placed in DAEPs. Examination of the 1996-1997 data again showed the highest removals were minority students with 39.1% of sent to DAEP. Cortez and Cortez (2009) reexamined DAEPs to determine if concerns raised in 1999 had been addressed.

Fabelo et al.’s (2011) research revealed that 64.8% of all Hispanic students “experienced involvement in the school disciplinary system between seventh and twelfth grades” (p. 42). Of the Hispanic students, males were disciplined more frequently (74%) than females (58%). Additionally, 92.7 percent of the disciplinary sanctions were a result

of violations to the student codes of conduct. Hispanic students received ISS sanctions as their first disciplinary sanction 79.1% of the time. Out-of-school suspension as a first sanction was utilized for 18% of Hispanic students. Hispanic students (18.1 %) experienced “repeated involvement with the school disciplinary system for multiple school code conduct violations” (Fabelo et al., 2011, p. 42). Of all the behaviors committed by Hispanic students, 7.9 % required mandatory sanctions that made Hispanic students the largest percentage of students receiving mandatory sanction. Of these, 2.7% carried mandatory expulsion sanctions (Fabelo et al., 2011).

African American Students

Historically, African American students have received disciplinary removals at a disproportionate rate. KewalRamani et al. (2007) analysis of NCES data revealed demographically, African Americans comprised 12% of the United States population in 2005 however; in 2003 African American students accounted for 20% of those students receiving suspension from school nationwide (KewalRamani et al., 2007).

Fabelo et al. (2011) stated, “African-American students (particularly African-American males) were especially likely to be involved in the school disciplinary system” (p. 45). The study also found that this high likelihood of involvement was “driven chiefly by violations that are subject to the discretion of school employees” (p. 46). The study discovered that African American students comprised 14% of the population but 75% of African American students, experienced disciplinary suspension lasting from one class period to several days. Additionally, 83% of African-American male students and

70% of African-American female students had at least one discretionary DAEP placement (Fabelo et al., 2011). Furthermore, 86.5% of African-American students received ISS sanctions as a disciplinary consequence for their first violation. Out-of-school suspension for first offenses was administered to 26.2% of the African American students (Fabelo et al., 2011). African American students were the most likely group (25.7%) to “experience repeated involvement with the school disciplinary system for multiple school code conduct violations” (Fabelo et al., 2011, p. 42). Their study also revealed that of all the behaviors committed by African American students, 7.2% required mandatory sanctions (Fabelo et al., 2011). African American students had the smallest mandatory expulsion rate with 2.2% (Fabelo et al., 2011).

“The discipline gap, or tendency for African American students to be sanctioned more frequently and severely than their peers, is present in virtually every major school system throughout the United States” (Monroe, 2005, p. 317). In the national report *Suspended Education Urban Middle Schools in Crisis*, Losen and Skiba (2010) analyzed data for middle school and district-level out-of-school suspension obtained from the U.S. Department of Education Office for Civil Rights. The results of their study revealed that “suspension rates have at least doubled since the early ‘70s for all non-whites” (Losen & Skiba, 2010, p. 2). This is especially true for students of African American descent who are three times more likely to be suspended than their white counterparts. (Losen & Skiba, 2010).

Traditionally, African American males receive out-of-school suspensions at a higher rate than females. Losen and Skiba (2010) found that both African-American males and African-American females were suspended at a higher rate than white or Hispanic males.

Blake, Butler, Lewis, and Darensbough (2011) studied 9,364 black females within one Midwestern urban school district had received at least one disciplinary referral during the school year 2005-2006. They found that African American females were “overrepresented for exclusionary discipline sanctions and were twice as likely to receive in-school and out-of-school suspensions than all other female students” (Blake et al., 2011, p. 99). Raffaele Mendez and Knoff (2003) reported that African American females most often received office referrals for defiance, profanity, physical aggression, and disruptive behavior.

Losen and Skiba (2010) expressed concern regarding students of color receiving disproportionately high suspension rates. These high suspension rates are indicative of students being removed from educational opportunities at much higher rates than their non-minority peers. The results of higher suspension rates for minority students are often demonstrated by lower test scores, high drop-out rates, and poor attendance (Losen & Skiba, 2010).

A study conducted by Brown and Beckett (2006) substantiates the finding that African American students receive disciplinary sanctions more often and more severely than their non-African American peers. A national study conducted by the Advancement

Project and The Civil Rights Project of Harvard University found that African American students, especially males, were disciplined at a higher rate and with more punitive penalties than other minority groups (Civil Rights Project, 2000). The study also found that African American students were often disciplined for offenses deemed to be subjective such as being disrespectful or classroom disruption (Civil Rights Project, 2000).

Skiba and Peterson (2003) concurred with the Civil Rights Project. For example, in their analysis of office referrals of middle school students revealed African American students' referrals were of a subjective nature such as loitering and disrespect. Data from the Department of Education indicated that although African-American students compose 17 % of school enrollments, they comprise 32% of out-of-school suspensions (Civil Rights Project, 2000). African-American youth receive harsher disciplinary consequences for school violations (Skiba, 2000). "There simply isn't any support for the notion that, given the same set of circumstances, African-American kids act out to a greater degree than other kids" (Russell Skiba as quoted by Witt, 2007).

Brown and Beckett (2006) proposed the difference in childrearing standards, which arise from different socioeconomic and ethnic cultures play an important role in cross-cultural misunderstanding. They reported that white teachers of African American students judge students of color as being poorer classroom citizens than white students. The African American teachers likewise view the white students as being poorer classroom citizens than their African American students (Brown & Beckett, 2006).

Skiba et al. (2005) found that African American students receive harsher penalties for less severe and more biased reasons. Skiba suggested that African American students may be subjected to more punitive discipline due to the teachers lack of knowledge in classroom management and because of cultural incompetence (Skiba et al., 2005).

Skiba and Peterson (2003) discovered data from numerous studies support the findings that African American students have an “inherent risk of racial bias” in regards to exclusionary discipline (p. 69). Several reasons have been proposed for the disproportionate gap in discipline seen in the data. Research spanning 25 plus years looking at district, state, and the national data, support the position that students of color are suspended two to three times more often than other students (Skiba & Peterson, 2003). Perceived misbehavior may be grounded in the African American student’s culture (Monroe, 2005). Monroe (2005) declared that educators judge the parenting practices of low-income African American communities as lacking substance found in middle-class white communities and thus view the African American students culturally based behavior as unacceptable in the white middle-class classroom. It stands to reason then that culturally based behaviors may indeed be misunderstood and lead to disciplinary action by teachers and administrators. Monroe (2005) further stressed that “the systematic nature of Black student failure appears to reside, in part, with cultural incongruities between students and teachers” (p. 319). “Analysis found some of the highest rates of racially disproportionate discipline are found in states with the lowest

minority populations, where disconnect between white teachers and black students is potentially the greatest” (Witt, 2007, p. 3).

African American students accounted for only 16% of adolescents in the United States but comprised 38% of youth incarcerated in juvenile prisons (Witt, 2007).

Research shows that a history of suspensions or expulsions from school can be very strongly correlated to difficulties with law enforcement in the future, a phenomenon known as the “school-to-prison pipeline” (Witt, 2007)

White Students

KewalRamani et al. (2007) reported that 66% of the inhabitants of the United States are white yet account for only 9% of the suspended students nationally in 2003.

Skiba and Peterson (2003) found that white students, although referred to the office for the same behaviors as other students, generally receive less severe punishments than students of color. Witt (2007) declared research supports the fact that white students are three times less likely to be suspended or expelled than their African American peers.

White students are discipline at a rate that falls below their proportion of school enrollment (Witt, 2007).

Fabelo et al. (2011) found white students comprised 43% of the student population. Of the 400,104 white students, 46.9% received some form of disciplinary sanction between their seventh and twelfth grade years due to misconduct. They further found that of the 400,104 white students 59% male and 37% female experienced disciplinary sanctions. In-school suspensions were given to 86.5% of white students as

their first disciplinary sanction. Only 9.9% of white students received OSS sanctions as their first disciplinary sanction. White students were the least likely group (9.5%) to “experience repeated involvement with the school disciplinary system for multiple school code conduct violations” (Fabelo et al., 2011, p. 42). Of all the behaviors committed by white students, only 5.3% required mandatory sanctions. White students had the largest mandatory expulsion rate with 3.5% (Fabelo et al., 2011).

The research showed that white students received referrals for specific rule infractions such as leaving the classroom without permission, vandalism, and use of tobacco (Booker & Mitchell, 2011). The research also showed that white students “were disproportionately suspended for tobacco, weapons, narcotics, and alcohol possession” (Booker and Mitchell, 2011, p. 196).

Disciplinary Alternative Education Success or Failure

One goal of education is to prepare students to become productive law-abiding citizens and to participate in our democratic way of life. Removing a student from the learning environment, due to characteristic juvenile conduct, defeats the purpose of preparing students for adulthood (Losen & Skiba, 2010). Metzger (2011) stated that the goal of disciplinary sanctions is “. . . for students to return to and succeed in their regularly assigned classroom and schools” (p. 37). Successful discipline leads to students learning from their mistakes and not repeating behavior that leads to subsequent disciplinary sanctions. Research indicates that, discipline as currently administered, is failing to meet its goal because a high percentage of students suspended from school have

been previously suspended for the same or similar behaviors (Skiba & Peterson, 2003). Blomberg (2004) found that out-of-school suspensions do not produce improved behavioral outcomes and is unfairly used or misapplied to minority students. Out-of-school suspension often pushes “away the very students who need the most support from school” (Blomberg, 2004, p. 4). Students most often suspended have peer group interactions that are unsafe and home lives that are difficult (Blomberg, 2004). These students, often unsupervised while suspended, frequently become involved in illegal activities, which create even more problems for them and their families (Blomberg, 2004; Skiba & Peterson, 2000).

Students placed in disciplinary alternative facilities are less likely to make the academic gains (Aron, 2003). Many students receiving discretionary placements show academic gaps and lack basic skills compared to their peers prior to being moved to the alternative learning environment (Aron, 2003). Skiba and Peterson (2003) expounded that not only do suspensions and expulsions not provide a benefit of improved school safety and climate, it actually negatively impacts both the school climate and the excluded student.

Losen and Skiba (2010) reported that out-of-school suspensions and expulsions cannot be proven through a preponderance of the data to either reduce student disorder or improve school climate. Available data indicated that negative effects occur when a student is removed from the educational environment (Losen & Skiba, 2010). These negative effects include undesirable student and learning outcomes. Rather than

suspension being a punisher for inappropriate behavior, suspensions appear to act as reinforcement for the undesirable behavior (Losen & Skiba, 2010; Skiba & Peterson, 2003). Additionally, school suspension appears to be a good predictor of a student's likelihood of failing to complete school (Losen & Skiba, 2010; Skiba & Peterson, 2003). The issue has also been raised that suspension is sometimes used by school administrators as a "tool to cleanse the educational environment of troublemakers" (Losen & Skiba, 2010, p. 10). The deterrent significance of harsh school punishment is being called into question by researchers (Losen & Skiba, 2010).

Metze (2011) stated [educators have] "failed to educate all our students . . . but have allowed the classroom environment to alienate and criminalize those who our law requires to be educated" (p. 20). Students excluded from the education environment due to suspension or expulsion, undergo more than simply missing school. Research has shown that students suspended or expelled are ten times more likely to become school dropouts (Lamont, 2013). The results of being a high school dropout are multifaceted. Dropouts have less employment and educational opportunities, will often engage in additional socially and/or civil inappropriate behaviors, will make \$400,000 less in their lifetime, will experience greater health issues and will live an average of six to nine years less than a high school graduate (Lamont, 2013).

Students who experience behavior problems are likely to continue to experience failure both socially and academically "without explicit instruction in the expectations of the social curriculum" (Skiba & Peterson, 2003, p. 69). "For the at-risk or challenging

students most often targeted for disciplinary removal, then, suspension and expulsion seems primarily to increase the risk of disruption, and eventually dropout and delinquency” (Skiba & Peterson, 2003, p. 69). It is the belief of some researchers that the key to improved behavioral outcomes for students who chronically display difficult behaviors is to teach the key behavioral expectations and establish open communication between the students and staff (Lewis & Sugai, 1999; Safran & Oswald, 2003). Reyes stated that we have come to rely on “overly strict state zero-tolerance policies mandating disciplinary alternative education programs [which] may be ineffective and often mean a transition from school to the prison pipeline” (Reyes, 2007, p. 78).

Summary of the Literature

Several key points emerge from a study of the literature. Discipline has always been, and will continue to be, an issue for school administration. The ways in which disruptive student behaviors have been addressed continues to change and evolve as our world changes. Federal and state legislation has played a significant role in the manner in which public schools address discipline issues. Social issues of our nation have significantly impacted federal legislation regarding school discipline and thus state legislation.

Suspension, both in-school and out-of-school, is the most often used method of discipline for all students. It is however disproportionately used with both African American males and females and with Hispanic males. The literature supports that African American students do not act out or misbehave more often than their peers but

that the behaviors for which they receive disciplinary sanctions are more subjective in nature. At-risk students, students with special needs, limited English proficient students and low SES students also receive suspension as a disciplinary sanction more often than their white peers.

The majority of suspensions are discretionary in nature meaning that the behavior for which they are receiving disciplinary action is not related to violence, drugs, alcohol, or other illegal act. The greatest majority of the suspensions are for such behaviors as physical aggression (fights), disrespect, truancy, swearing, making threats, and repeated disruptive behavior.

There are several types of alternative placements. Disciplinary alternative education campuses may not be held to the same standards as the general education campus. Concerns have been raised regarding the curriculum and alignments with courses at the general education campus. The libraries, science and computer labs may not be equipped with the same materials as those at the general education campus. The students are subjected to metal detectors, searches, and escorts from place to place while on campus. The academic gains made during the time spent at DAEP is questionable and State assessment data indicate that students at DAEP have lower test scores than their peers at the regular campus. Students often work at their own pace and are supported through computer instruction. DAEPs are only required to teach English language arts, math, science, social studies and self discipline. They are not required to provide

instruction in the non-core courses the student might have been enrolled in prior to disciplinary placement and/or those needed for graduation.

Concern has been raised regarding the “revolving door” of DAEPs (Booker & Mitchell, 2011, p. 196). Students who receive disciplinary sanctions of DAEP placement often find themselves returning to the general education campus for only a short period of time before engaging in behavior resulting in repeated disciplinary placement.

The successfulness of suspension is debatable. Although it removes disruptive students from the general education classroom for a short period of time, there is little evidence that change in student behavior is accomplished. Removal does not appear to teach different acceptable behaviors to replace the unacceptable behaviors previously displayed.

CHAPTER III

METHOD

This research examined relationships associated with percentages of disciplinary placements for Texas public school districts in light of percentages of special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for the 2011-12 academic year.

Purpose of the Study

The purpose of this study was to examine disciplinary placements in all Texas public school districts utilizing archival research via data maintained by Texas Education Agency (2013a) Academic Excellence Indicator System (AEIS). The percentages of disciplinary placements were examined in regards to special education assignment, socio-economic status, at-risk, limited English proficiency, and ethnicity. Additionally, the research examined the indicated dependent variable, disciplinary placement, and independent variables, special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students, to identify the existence, if any, of relationships between or among these quantities.

Research Question

This study answered the following research question.

Do relationships exist between or among the percentage of disciplinary placements and (1) special education enrollments, (2) economically

disadvantaged, (3) at-risk, (4) limited English proficiency, (4) African-American, (6) Hispanic, and (7) white students for Texas public school districts for 2011-12?

Hypothesis

The following hypothesis was utilized to guide this study.

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

Research Design

Descriptive analysis and multiple linear regression was utilized to address the research questions and research hypotheses employed in the study. Electronic data were accessed through the Texas Education Agency (TEA, 2013a) AEIS Database. All statistical calculations utilized Statistical Packages for the Social Sciences (SPSS) version 21.

Research Question

Multiple linear regression was utilized to examine the relationship between the dependent variable of percentage of disciplinary placements as predicted by the percentages of special education, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for Texas public school

districts for 2011-12. Multiple linear regression was selected to analyze the relationship of the identified independent variables to the dependent variable. Pedhazur (1997) identified multiple linear regression as a methodology to explain the relationship between multiple independent variables and one dependent variable. In this study, the indicated dependent variable is modeled via the 7 independent predictor variables. Beta values (regression coefficients) and a constant coefficient are developed to represent the value at which the dependent variable changes when the independent predictor variables change. The *Pearson r* was utilized to measure the association between the observed values and the predicted values.

Pedhazur (1997) identified 4 assumptions for multiple linear regression. These assumptions follow:

1. Only relevant variable must be included in the model.
2. The model must be linear in nature.
3. All variables must have normal distribution.
4. Homoscedasticity of all variables is required. In other words, the variance is constant across all levels of the predicted variable.

The research examined each of the assumptions to provide the informed consumer appropriate information by which to assess the findings of the study. The usefulness of the research was left to the determination of the informed reader. Significance for linearity of the model was set at 0.05. Significance of predictors was also set at 0.05.

Source of Data

Data for the study were extracted from the Texas Education Agency (2013a) AEIS Database. The roots of AEIS go back to 1984 (TEA, 2013b) when the Texas Legislature passed House Bill 72 that set the stage for accountability based on student performance. AEIS was launched in 1990-91 and has since gradually transitioned by subsequent legislation into an extensive longitudinal database.

AEIS congregates performance data from several different resources. Texas Education Agency (2013b) annually collects extensive performance data on more than 1,200 public school districts, 8,000 schools, 320,000 educators, and over 4.7 million students through the Public Education Information Management System (PIEMS). PIEMS data constitute a major resource for the AEIS Database. Additionally, performance-testing contractors provide AEIS with reports on student performance including, but not limited to, the TAKS-M, TAKS-Alt, STAAR, STAAR-M, STAAR-Alt, SAT, and ACT. Tax rates and property values are provided by other Texas agencies. In short, AEIS provides an almost unimaginable resource of performance data based on information gleaned from all Texas public school districts, schools, educators, and students.

Description of the Population

The study included all 1,029 public school districts in the State of Texas as reported by AEIS. Charter and private schools were removed from the data set. Only

information from publically funded Texas independent school districts were utilized in the study.

Data Collection

This study utilized archival data extracted from the Texas Education Agency (2013a) AEIS database. These data were for the 2011-2012 academic year. Extracted variables included the percentages of disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students. For the research question, the independent variable was the percentage of disciplinary placements. The predictor variable included the percentage of special education enrollment, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students.

Archival data were extracted for all reporting Texas public school districts. The data were downloaded from AEIS and converted into an Excel document. The Excel document was then formatted and copied to a Statistical Packages for the Social Sciences (SPSS) Version 21.0.0 spreadsheet for analysis. The data were then stored on a flash drive.

CHAPTER IV

RESULTS

Chapter four presents the research findings for this study. The research examined relationships associated with percentages of disciplinary placements for Texas public schools in light of percentages of special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for the 2011-12 academic year. The purpose of the study was to examine relationships of these variables via data maintained by the Texas Education Agency (2013a) Academic Excellence Indicator System. The following are discussed: research question, hypothesis, data set construction, data analyses, and chapter summary.

Research Question

This study answered the following research question.

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

Hypothesis

The following hypothesis was utilized to guide this study.

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

Data Set Construction

The data set for the study was extracted from the AEIS database. Five phases were utilized and are delineated for the benefit of those desiring to replicate the study. Prior to beginning the extraction of the data, the researcher first had to move systematically through the Texas Education Agency (TEA) website to reach the AEIS data set for the 2011-12 academic year. The process required opening the TEA website, selecting AEIS reports and downloading the data file.

Once the selection process was completed the AEIS webpage indicated that 1,227 districts were available statewide. This number included both traditional public school districts and charter schools. Five phases were then utilized to prepare the data set for final analyses.

Phase 1

Traditional public school districts and private schools needed to be identified. Charter schools were eliminated from the study. The “District Reference” indicator

provided “District 2012 Flag – Charter Operator (Y/N)” which enabled identification of the charter schools. The data was downloaded into excel and then sorted to place the districts in numerical order and saved.

Phase 2

Returning to the initial AEIS page, “Student Information” was chosen and the following identifiers were selected: (1) African American Students Count/Percent, (2) Economically Disadvantaged Students Count/Percent, (3) Hispanic Students Count/Percent, (4) Limited English Proficiency Count/Percent, (5) Special Education Students Count/Percent, (6) Students w/Disciplinary Placement, 2011, and White Students Count/Percent. Data was downloaded into a separate excel spreadsheet. The column labels were interpreted using a download of the AEIS Data Dictionary obtained in PDF version from the 2011-12 AEIS Download of Selected Data screen. The data file was then purged of the student counts, as these were not utilized in the study.

Phase 3

At this point there were two distinct data sets, one with the district number, name, and identifier as public school district or charter school and the other with district number and the student information. It was necessary to have two different data sets so that alignment could be assured. The two data sets were then welded into one data set. The districts numbers were aligned in each to insure proper alignment of the data values. The combined data for each district contained a charter school flag and each of the required variables.

Phase 4

The resulting data was then sorted by the charter code. All records for charter schools were then deleted since charter schools were excluded from the study. The resultant data was left with 1,029 traditional public school districts. The number of charter schools excluded from the study was 198.

Phase 5

The final Excel data was then arranged in the following order: (1) Students with Disciplinary Placement, 2011, (2) Special Education Students Percent, (3) Economically Disadvantaged Students Percent, (4) At Risk Students Percent, (5) Limited English Proficiency Students Percent, (6) African American Students Percent, (7) Hispanic Students Percent, and (8) White Students Percent. The data were then transferred into a SPSS data set and formatted to allow for one decimal place. The SPSS data set was then subjected to the following analyses.

Data Analyses

Analyses were conducted on the variables extracted from PEIMS.

The percentages of each of the variables for all Texas public school districts for the 2011-2012 academic year was obtained. The results are provided in Table 1.

The observed average percentages for the 1,029 Texas public school districts for 2011-12 were 1.37% disciplinary placements, 9.45% special education enrollments, 58.09% economically disadvantaged, 38.87% at risk, 8.01% limited English proficiency,

6.88% African American, 37.08% Hispanic, and 52.77% white. Again, these rates are the average percentages for all 2011-12 Texas public school districts.

The minimum district percentages were of interest for the Hispanic (0.7%) and white (0.2%) enrollments. This is interpreted to mean that every public school district in Texas has at least a minimal Hispanic and white enrollment. Disciplinary placement percentages topped out at 8.2%. The remaining maximum percentages were 25.5% special education enrollments, 100.0% economically disadvantaged, 82.7% at risk, 69.1% limited English proficiency, 85.0% African American, 99.8% Hispanic, and 95.7% white.

Table 1

*Percentage of Student Enrollment in Texas Public School Districts 2011-2012
(N=1029 School Districts)*

Variable	Mean	Std. Dev.	Min.	Max.
Disciplinary Placements	1.37%	1.138%	0.0%	8.2%
Special Education	9.45%	2.605%	0.0%	25.5%
Economically Disadvantaged	58.09%	18.376%	0.0%	100.0%
At Risk	38.87%	13.705%	0.0%	82.7%
Limited English Proficiency	8.01%	9.344%	0.0%	69.1%
African American	6.88%	10.939%	0.0%	85.0%
Hispanic	37.08%	26.833%	0.7%	99.8%
White	52.77%	26.642%	0.2%	95.7%

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

Analysis indicated that each of the variables, with the exception of the special education, distribution were non-normally distributed with the percentages of disciplinary placements, special education enrollments, at risk, limited English proficiency, African American, and Hispanic student enrollments all having a positive skewness. Economic disadvantages and white enrollment percentages had a negative skewness. The non-normality of the indicated variables should be noted, as normality assumptions were not met. Linear regression may be deemed to be somewhat robust to requirements of normality when large sample sizes are utilized (Webstat, 2013). The sample size for this analysis included 1,029 public school districts.

Table 2

Interpretation of Skewness and Kurtosis of Variables

Variable	Skewness	Kurtosis	Assessment of Distribution
Disciplinary Placements	1.11	2.09	Non-Normal
Special Education	0.85	3.40	Approximately Normal
Economically Disadvantaged	-0.33	0.06	Non-Normal
At Risk	0.17	0.03	Non-Normal
Limited English Proficiency	2.41	7.73	Non-Normal
African American	3.01	11.83	Non-Normal
Hispanic	0.78	-0.39	Non-Normal
White	-0.40	-0.97	Non-Normal

Research Question

The research question examined percentages of disciplinary placements as predicted by the percentage of special education enrollments, economically disadvantaged, at-risk, limited English proficiency, African-American, Hispanic, and white students for Texas public school districts for 2011-12. The following null hypothesis was examined.

Hypothesis

Ho: No relationships exist between or among the percentage of disciplinary placements and (1) special education enrollments, (2) economically disadvantaged, (3) at-risk, (4) limited English proficiency, (4) African-

American, (6) Hispanic, and (7) white students for Texas public school districts for 2011-12.

Examination of H_0 was conducted and provided results as delineated below. All variables were entered and none were removed.

Table 3 shows the multiple linear regression model summary and the overall fit. The adjusted R^2 of the model is .268 with the $R^2 = .273$. The linear regression explains 27.3% of the variance in the data set. The correlation, R , is .523 and is deemed to be a strong positive correlation. The Durbin-Watson is 1.908 and lies very close to 2 indicating that no autocorrelation exists in the sample.

Table 3

Model Summary

Model	R	R^2	Adjusted R^2	Std. Error of the Estimate	Durbin-Watson
1	.523	.273	.268	.9738	1.908

Table 4 contains the F-test examining the null hypothesis, H_{01} . The F-test was highly significant $< .001$. Accordingly, the null hypothesis was rejected. The alternate hypothesis, H_{a1} , was accepted and indicated a linear relationship between the model variables.

Table 4

ANOVA Research Question Test of Null Hypothesis

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	3.64.0	7	52.006	54.837	< .001
	Residual	968.3	1,021	.948		
	Total	1,332.3	1,028			

Table 5 provides the multiple linear regression estimates including the intercept and significance levels. Special education, economically disadvantaged, Hispanic, and white enrollment percentages were not significant predictors for disciplinary placement percentages. Percentage of at risk, limited English proficiency, and African-American enrollments were significant predictors for disciplinary placement percentages. At risk percentages had a slightly higher impact on the percentage of disciplinary placements with a standardized coefficient beta of .319 than did African-American percentages with a standardized coefficient beta of .309. Both variables were relatively close in impact. The percentage of limited English proficiency reduced the percentage of disciplinary placements with a standardized coefficient beta of -.206. Collinearity was not satisfied for the percentages of African-American, Hispanic, and white enrollments with tolerances outside the expected range of tolerance $> .1$.

Table 5

Multiple Linear Regression Coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.	Collinearity Statistics	
		B	Std.Error	Beta			Tolerance	VIF
1	(Constant)	.234	1.046		.223	.823		
	SPED	.003	.013	.008	.255	.799	.767	1.304
	ECON	.000	.003	.002	.046	.964	.366	2.733
	ATRSK	.026	.004	.319	7.443	< .001	.388	2.577
	LEP	-.025	.005	-.206	-5.286	< .001	.470	2.128
	AA	.032	.012	.309	2.613	.009	.051	19.643
	HISP	.006	.011	.149	.575	.565	.011	94.402
	WHITE	-.004	.011	-.084	-.325	.745	.011	94.102

Homoscedasticity and normality of residuals were plotted and are provided in Figure 1. The plot indicated no tendency in the error terms, as the graph contains no staircase in appearance. Homoscedasticity and normality of residuals were deemed appropriate.

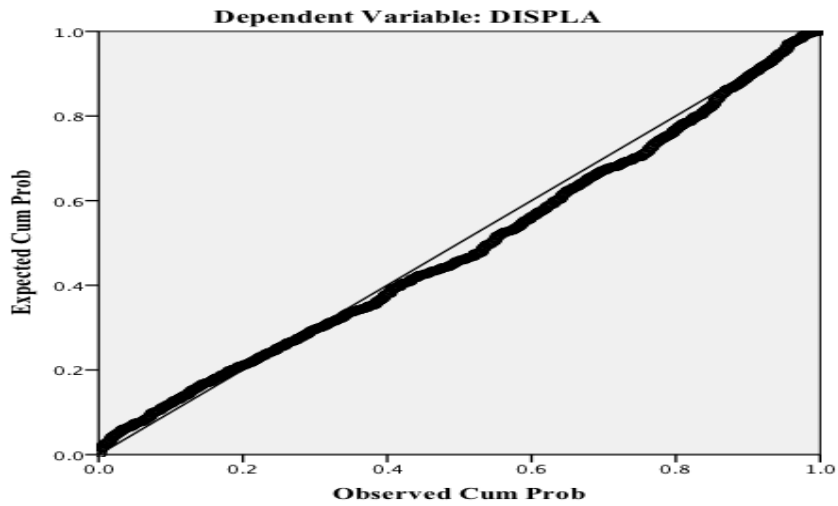


Figure 1. Normal p-p plot of regression standardized residuals

Analyses conducted for the Research Question indicated that percentages of disciplinary placements are predicted by the at-risk, limited English proficiency, and African-American percentages for Texas school districts for 2011-12. Percentages of at-risk and African-American students positively impacted percentages of disciplinary placements. Percentages of limited English proficiency negatively impacted percentages of disciplinary placements. Percentages of special education enrollments, economically disadvantaged, Hispanic, and white students were not predictors of disciplinary placements for Texas school districts for 2011-12.

CHAPTER V

CONCLUSIONS

Chapter five summarizes the purpose of the study, findings obtained from analysis of the data, conclusions drawn from the data presented in Chapter 4, implications regarding the findings and recommendations for further research.

The purpose of this study was to examine the variables which contribute to disciplinary alternative placements for students in Texas. Data was extracted from the Academic Excellence Indicator System (AEIS), of all Texas public school districts for the 2011-2012 academic year. The variables utilized in the study were percentages of discretionary disciplinary placements, special education enrollments, economically disadvantaged, at-risk, limited English proficient, African American, Hispanic, and white students. The study provided descriptive analysis and examined relationships of all variables to the percentages of disciplinary placements.

Summary of Findings

An examination of the variable descriptives revealed that Texas is an ethnically diverse state with wide differences in the population's levels of economic affluence. The percentages of disciplinary placements across Texas public school districts appear to be non-normally distributed. Although the average percentage of disciplinary placement was 1.37% of the student population, some districts reported greater than 8% of their students received disciplinary placements during the school year analyzed.

The percentages of students receiving special education services were also approximately normally distributed across the state of Texas. It was interesting to note that some examined schools did not report having any students identified as receiving special education services while other districts reported that slightly more than one-fourth of their student population were identified as students with special needs.

The descriptive analysis for all eight variables revealed that students identified as economically disadvantaged made up the greatest percentage of students for the public schools examined. The analysis found that some locations do not appear to have economic issues with which to contend while other locations have great economic issues for their students and communities.

Students identified as at-risk made up over one-third of the students in the examined schools. This indicates that a large number of students face a higher risk of not completing twelve years of school and obtaining a high school diploma. For some school districts more than four-fifths of their students face increased stresses associated with being at-risk.

Students identified as limited English proficient composed less than 10% of the student population for the examined school districts. It was interesting to find that, again, some school districts reported having no students with limited English proficiency while other school reported almost 70% of their students as having limited proficiency in English. The analysis also indicated that limited English proficient students are segmented across the state of Texas rather than being evenly distributed.

Students of African American heritage comprised the smallest percentage of population of the public schools examined with less than 7%. It was interesting that some school districts reported having no students of African American descent while others reported their African American population at 85% of their students. The data again revealed that these students are greatly segmented within the state of Texas with a greater density in specific locations.

Every school district utilized in the study reported having Hispanic students in their student population. This indicates that the Hispanic population is widely distributed across the state of Texas. Although Hispanic students were reported in each of the examined school districts, the data further revealed that the Hispanic population continues to be segmented more heavily in some districts than in others.

Analysis further revealed that white students comprise more than half of the student population in the districts examined. Every school district examined reported having white students with some school districts reporting greater than 95% of their population as white while others reported percentages as low as 2% of the student population.

Analysis of the findings of the linear regression, conducted to examine research question two, revealed that the overall fit of the regression model is strong explaining 27.3% of the variance in the data set. Relationships were identified between the variables and percentages of disciplinary placement. Three variables were identified as being significant predictors. The two variables identified as being positive predictors of

disciplinary placement were at-risk and African American. It is predicted that as the population for at-risk increases, the percentage of disciplinary placement will increase. The same was true for the African American placements. The literature substantiates that African American students experience higher disciplinary placements than non-African American students (Losen & Skiba, 2010; Skiba, et.al. 2011).

The third variable that showed significant prediction abilities was limited English proficient. This variable was a negative predictor of disciplinary placement. It is predicted that as the percentage of students with limited English proficiency increases the percentage of disciplinary placements will decrease. The data indicates that although a little over 38% of the population, of the schools examined, was Hispanic, approximately 8% of the students were limited English proficient.

Implications of Findings

Previous research, conducted over the past quarter of a century, found that African American students receive disciplinary placement at higher rates than their non-African American peers (Brown & Beckett, 2006). This study reinforces previous findings.

School districts need to examine the discipline records for all their students based on ethnicity to determine if the disciplinary sanctions for African American students are balanced when compared to the disciplinary sanctions non-African American students receive. Disciplinary referrals for all students need to be analyzed to determine if specific teachers and/or administrators initiate the majority of the referrals African

American students incur. For teachers who consistently refer more African American students than their peers, training in regards to cultural bias and/or classroom management may be needed. Administrators may also need training or a refresher on recognizing and dealing with cultural bias.

The question arises as to teacher knowledge in regards to students with special needs. When teachers and administrators fail to understand handicapping conditions of students and the implications those conditions have on the student's learning process misunderstanding and conflict often arises. Teachers are often not prepared to handle or deal with challenging behaviors some students with disabilities exhibit. School districts can provide training for their teachers in the ways disabilities affect students in the classroom. Increased understanding of the academic struggles students with disabilities incur can assist the teacher in developing a classroom environment where all students can be successful.

Recommendations for Further Research

This study provided general understanding of the demographics of the 1,029 public schools studied. It additionally substantiated earlier research findings regarding the increased likelihood of receiving disciplinary placement for the student categorized as At-Risk or is African American.

This study provided questions which may be addressed in the future. One such study could focus on examining factors driving various population segmentation and the specific regions of Texas involved in the segmentation. Case-in-point, although the

population of students in special education is fairly evenly distributed across the state, what factors are involved when some schools report having no special education students while others report one-fourth of their student population as receiving special education services. This study could examine all eight variables utilized in this study for further understanding of the underlying factors driving segmentation.

Research could also be conducted to examine the wide disparity in percentages of disciplinary placements in the public school districts across Texas. This study could examine reasons that some school districts report as many as 8% of the student population receiving disciplinary placements while other districts report no disciplinary sanctions for their student population.

Further research could be completed to examine the infractions leading to disciplinary placement for African American students and for students with disabilities. Additionally, this study could examine the percentage of mandatory infractions and the reasons for the placements as well as those that are discretionary in nature.

Conclusion

This study was intended to contribute to the body of research regarding disciplinary placement in Texas public school districts. Many strategies exist to intervene and manage student behaviors that present challenges for teachers and administrators and yet the most familiar method is punitive in nature (Thompson & Webber, 2010). Though progress has been made, removal of students from the learning environment continues to be of concern. Cole and Heilig (2011) stated “removals

perpetuate a cycle of failure whereby students lose access to educational and social development opportunities, fall further behind and become even greater behavioral concerns when they re-enter school” (Cole & Heilig, 2011, p. 5). Failure to complete high school holds social and economic consequences. Any efforts to lessen the negative consequences associated with student disciplinary removals promised to be a benefit to students and the entire state. Future research in this area cannot be underestimated as a guide to policy and practice.

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