

- SUBJECT:** Requiring pre- and post-assessment of students in DAEPs over 90 days
- COMMITTEE:** Public Education — favorable, without amendment
- VOTE:** 5 ayes — Eissler, Hochberg, Mowery, Olivo, Patrick
0 nays
4 absent — Zedler, Branch, Delisi, Dutton
- WITNESSES:** For — (*Registered, but did not testify:* Amy Beneski, Texas Association of School Administrators; Deborah Fowler, Texas Appleseed; Benny Hernandez, American Civil Liberties Union of Texas; Lonnie Hollingsworth, Texas Classroom Teachers Association; Kay Lambert, Advocacy, Inc.; Marc Levin, Texas Public Policy Foundation Center for Effective Justice; Elena Lincoln, Association of Texas Professional Educators (ATPE); Julie Shields, Texas Association of School Boards; Mike Griffiths; Randy Turner)

Against — None
- BACKGROUND:** Under Education Code, sec. 37.008, each school district is required to provide a disciplinary alternative education program (DAEP). These are out-of-classroom placements of students who have committed serious off-campus offenses that are not school-related, those who commit violations of the student code of conduct, and those who commit certain other misdemeanor offenses on campus. Some DAEPs are on regular campuses and some are off campus. Placements in DAEPs are required by Education Code, sec. 37.006 for some students or can be at the discretion of the school district according to the local student code of conduct.
- The 26 Texas counties with populations greater than 125,000 are required to work with school districts to establish Juvenile Justice Alternative Education Programs (JJAEPs) for certain students who are expelled from school for serious on-campus or school-related offenses listed in Education Code, sec. 37.007 or who are sent to the programs at the discretion of the school or as ordered by a juvenile court, by choice, or under other circumstances.

DIGEST:

HB 494 would require school districts to give an assessment test to students placed in a DAEP for 90 days or longer. The assessment instrument would have to be approved by the education commissioner and administered when the student entered the program and when the student left the program, beginning with the 2007-2008 school year.

The assessment would have to be designed to assess students' basic reading and math skills. It could be comparable to an assessment instrument given to students placed in juvenile justice alternative education programs or based on an alternative assessment tool developed by TEA to measure student academic growth. The assessment required by HB 494 would have to be in addition to the assessment instruments required by the state's public school accountability system.

TEA would have to explore alternative methods of evaluating the effectiveness of DAEPs. The methods explored would have to include one with indicators relating to student academic growth, course completion, and behavior improvement. TEA would submit a report with its conclusions and recommendations to legislative leaders by November 1, 2008.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS
SAY:

HB 494 is needed to help schools and the state monitor the achievements of students sent to disciplinary alternative education programs. Currently, there is no requirement that students placed in DAEPs be given assessment tests, and this makes it difficult to evaluate student growth during their time in a DAEP and the quality of services offered at the DAEPs.

HB 494 would address this need by requiring school districts to give pre- and post-placement tests to students who are in DAEPs for at least 90 days. The pre-placement test would set a baseline for student achievement during their stay at the DAEP, and a post-test would evaluate students' growth during their enrollment.

These types of tests currently are given to students in Juvenile Justice Alternative Education Programs and have worked well. There are several

established assessment tests, including the one administered by JJAEPs, that could be approved by TEA.

HB 494 would require that tests be given only to those staying more than 90 days, which is almost a semester and an appropriate amount of time to measure progress. Because there would be no benchmark for students' evaluations or penalties for certain scores, DAEPs would not have an incentive to focus on test scores to the exclusion of student needs. The bill also would require TEA to explore alternative methods of evaluating the effectiveness of DAEPs to ensure that too much emphasis was not placed on pre- and post-assessment tests.

**OPPONENTS
SAY:**

There is a danger of too much emphasis being placed on pre- and post-assessment tests of DAEP students. These students often face many academic challenges and requiring assessment tests for short academic stays could create too much focus on the test, rather than on the needs of the students.