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

JOINT / CONTRACTED DAEP

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

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

COMMUNITY ORGANIZATIONS

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

FUNDING

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

The District shall allocate to a DAEP the same expenditure per student attending the DAEP as would be allocated to the student's school if the student were attending the student's regularly assigned education program, including a special education program. *Education Code 37.008(g)* [See also EHBC(LEGAL), LIMIT ON DAEP EXPENDITURES]

LOCATION

A DAEP shall be provided in a setting other than the student's regular classroom. It may be located on or off a regular school campus. An off-campus DAEP is not subject to a requirement imposed by the Education Code, other than a limitation on liability, a reporting requirement, or a requirement imposed by Education Code Chapter 37 or Chapter 39.

An elementary school student may not be placed in a DAEP with a student who is not an elementary school student. The designation of elementary and secondary is determined by adopted local policy.

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

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

*Education Code 37.006(f), .008(a), (c); 19 TAC 103.1201(f)(3), (h)(1), (h)(3)*

HOURS OF OPERATION

The school day for a DAEP shall be at least seven hours but no more than ten hours in length each day, including intermissions and recesses. *Education Code 37.008(a); 19 TAC 103.1201(f)(2)*

SAFETY

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

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

*19 TAC 103.1201(h)*

STAFFING

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

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

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

*19 TAC 103.1201(i)*

ENTRANCE PROCEDURES

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

ACADEMICS

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

The District shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education services. A student's four-year graduation plan (Minimum, Recommended, or Advanced/Distinguished Achievement) may not be altered when the student is assigned to a DAEP.

OPPORTUNITY TO COMPLETE COURSE

The District shall offer a student removed to a DAEP an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal, before the beginning of the next school year, through any method available, including a correspondence course, distance learning, or summer school. The District may not charge the student for such course provided under this subsection. Except for this requirement, the District is not required to provide in the DAEP a course necessary to fulfill a student's high school graduation requirements.

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

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

ACCOUNTABILITY

The campus of accountability for student performance shall be the student's locally assigned campus, including when the District or shared services arrangement contracts with a third party for DAEP services. *19 TAC 103.1201(e)*

ACADEMIC ASSESSMENTS

The District shall administer to a student placed in a DAEP program for a period of 90 school days or longer an assessment instrument:

1. Initially on placement of the student in the program; and

2. Subsequently on the date of the student's departure from the program, or as near that date as possible.

Released state assessments for reading and mathematics for the appropriate grade may be used. The District may apply for approval of an assessment that includes the Texas Essential Knowledge and Skills (TEKS) for reading and mathematics for the student's assigned grade. The Commissioner will publish on the Texas Education Agency Web site a list of assessments approved for use in each school year.

The grade level of an assessment shall be based upon the academic grade completed prior to the student being assigned to a DAEP if placement occurs in the fall or first semester of the academic school year. If placement occurs in the spring or second semester of the academic school year, the student shall be administered an assessment based on the current grade level.

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

Procedures for administering the pre- and post-assessment shall be developed and implemented in accordance with local District policy.

A student in the District's DAEP must also be assessed under the requirements of the Education Code Chapter 39. [See EKB]

*Education Code 37.0082; 19 TAC 103.1203*

SPECIAL POPULATIONS

SPECIAL EDUCATION

A DAEP serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the student's IEP. *19 TAC 103.1201(g)*

DRUG AND ALCOHOL TREATMENT

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

TRANSITION SERVICES

The transition services established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented and updated annually as needed. The transition procedures shall include:

1. An established time line for the student's transition from the DAEP to the student's locally assigned campus; and
2. Written and oral communication from the DAEP staff to the locally assigned campus during the student's assignment to the DAEP, including the student's educational performance and tasks completed.

*19 TAC 103.1201(k)*