

2009 Discipline Data Validation Manual

Performance-Based Monitoring System

Texas Education Agency
Department of Assessment, Accountability, and Data Quality
Performance-Based Monitoring Division

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Performance-Based Monitoring Data Validation

The Performance-Based Monitoring (PBM) system, which was developed in 2003 in response to state and federal statute, is a comprehensive system designed to improve student performance and program effectiveness. The PBM system is a data-driven system that uses performance and program effectiveness data submitted to the state by local education agencies (LEAs); therefore, the integrity of these data is critical. To ensure data integrity, the PBM system includes annual data validation analyses that use several different indicators to examine LEAs' leaver and dropout data, student assessment data, and discipline data. Additional data analyses, including random audits, are conducted as necessary to ensure the data submitted to the Texas Education Agency (TEA) are accurate and reliable.

Differences Between Discipline Data Validation Indicators and Other PBM Indicators

As shown in the table on page 3, there are key differences between the discipline data validation indicators used as part of the PBM Data Validation System and the performance indicators used in the Performance-Based Monitoring Analysis System (PBMAS). A PBMAS performance indicator yields a **definitive** result, e.g., 100% of an LEA's graduates completed the Recommended High School Program. A discipline data validation indicator typically **suggests** an anomaly that a local review will determine is either the result of a data coding error or a failure to comply with discipline requirements. For example, an LEA may report it expelled a student for three unexcused absences. This unauthorized expulsion will appear as a data anomaly. The LEA will need to determine, after a local review and verification process, whether the reported expulsion was a coding error or a failure to comply with the requirements of Texas Education Code, Chapter 37.

Because a PBMAS performance indicator yields a definitive result, an LEA's performance on PBMAS indicators is made **public**. Because a discipline data validation indicator typically yields a result that is not definitive, an LEA's initial results on these indicators are **not made public**. Results of the discipline data validation indicators are only released on the TEA Secure Environment (TEASE).

Another difference between PBMAS performance indicators and PBM discipline data validation indicators is the use of standards. A PBMAS performance indicator is based on a **standard** that is made public with as much advance notice as possible and that all LEAs can achieve over time. The goal for LEAs on PBMAS performance indicators is progress toward the standard over time. A discipline data validation indicator is typically based on an **annual review of data** in an attempt to identify what data may be anomalous or what trends can be observed over time. Standards on individual discipline data validation indicators generally are not, and generally cannot be, made public in advance. The goal for LEAs on PBM discipline data validation indicators is to report accurate data each year.

The required response by the LEA is also different depending on whether the LEA is identified under a PBMAS performance indicator or a PBM discipline data validation indicator. LEAs identified with a PBMAS performance indicator concern are generally expected to (a) improve performance; or (b) if the identification of a performance indicator concern occurred because of inaccurate data, improve data collection and submission procedures. LEAs identified as a result of a discipline data validation indicator are generally expected to (a) validate and document that their data are, in fact, correct; and (b) if correct data reflect a program implementation concern, address that concern; or (c) if the LEA's identification occurred because of incorrect data, improve local data collection and submission procedures.

Differences between Discipline Data Validation Indicators and other PBM Indicators				
Indicator Type	Result	Publicly Released	Standards	LEA Response
Discipline Data Validation	Suggests an anomaly	No	Based on annual review of data to identify anomalous data and trends observed over time	Validate accuracy of data locally and, as necessary, improve local data collection and submission procedures or address program implementation concerns
PBMAS	Yields a definitive result	Yes	Based on standards established in advance	Improve performance or program effectiveness or if identification occurred because of inaccurate data, improve data collection and submission procedures

By their very nature and purpose, some discipline data validation indicators may identify LEAs that are collecting and reporting accurate data. In addition, LEAs are subject to random data validation audits. **Confirming the accuracy of data is a critical part of the process that is necessary to validate and safeguard the integrity of the overall PBM system.** As such, the process LEAs engage in to either validate the accuracy of their data or determine that erroneous data were submitted is fundamental to the integrity of the entire system.

Many LEAs initially identified through the PBM Data Validation System will be able to confirm the accuracy of their data. This is expected and should be handled by those LEAs as routine data confirmation that is documented locally and, in some cases, communicated back to the agency. Other LEAs identified through the PBM Data Validation System will find their anomalous data to be the result of an isolated reporting error that can be addressed through better training, improved quality control of local data collection and submission processes, or other targeted local response. For some LEAs identified through the PBM Data Validation System, it will be determined that the anomalous data reflect a systemic issue within one data collection (e.g., discipline data in general) or a pervasive issue (i.e., across data systems). In these less typical occurrences, the LEA's response will be more extensive, including more involvement by the agency and the application of sanctions as necessary and appropriate.

Discipline Data Validation Indicators: Background

In 1995, the 74th Texas Legislature enacted the Safe Schools Act, which created Disciplinary Alternative Education Programs (DAEPs) and Juvenile Justice Alternative Education Programs (JJAEPs) to serve students who had committed disciplinary offenses. To evaluate districts' use of DAEPs and JJAEPs and to review the documentation of district-reported discipline information, TEA developed a process for collecting and evaluating discipline data. A new record (425 Disciplinary Action Data—Student) was added to the Public Education Information Management System (PEIMS) to obtain the data necessary for these analyses. This record collected both Disciplinary Action Reason Codes and Disciplinary Action Codes in order to capture both the student's conduct and the district's subsequent response.

Revisions made to the Texas Education Code (TEC) during the 78th Texas Legislature (2003) provide specific authority for TEA to monitor PEIMS data integrity:

§7.028. Limitation on Compliance Monitoring. (a) Except as provided by Section 29.001(5), 29.010(a), 39.074, or 39.075, the agency may monitor compliance with requirements applicable to a process or program provided by a school district, campus, program, or school granted charters under Chapter 12, including the process described by Subchapter F, Chapter 11, or a program described by Subchapter B, C, D, E, F, H, or I, Chapter 29, Subchapter A, Chapter 37, or Section 38.003, and the use of funds provided for such a program under Subchapter C, Chapter 42, only as necessary to ensure:

...

- (3) data integrity for purposes of:
 - (A) the Public Education Information Management System (PEIMS); and
 - (B) accountability under Chapter 39.

...

- (b) The board of trustees of a school district or the governing body of an open-enrollment charter school has primary responsibility for ensuring that the district or school complies with all applicable requirements of state educational programs.

In addition, TEC §37.008, requires an electronic evaluation of discipline data:

TEC §37.008. Disciplinary Alternative Education Programs. (m-1) The commissioner shall develop a process for evaluating a school district disciplinary alternative education program electronically. The commissioner shall also develop a system and standards for review of the evaluation or use systems already available at the agency. The system must be designed to identify districts that are at high risk of having inaccurate disciplinary alternative education program data or of failing to comply with disciplinary alternative education program requirements. The commissioner shall notify the board of trustees of a district of any objection the commissioner has to the district's disciplinary alternative education program data or of a violation of a law or rule revealed by the data, including any violation of disciplinary alternative education program requirements, or of any recommendation by the commissioner concerning the data. If the data reflect that a penal law has been violated, the commissioner shall notify the county attorney, district attorney, or criminal district attorney, as appropriate, and the attorney general. The commissioner is entitled to access to all district records the commissioner considers necessary or appropriate for the review, analysis, or approval of disciplinary alternative education program data.

Finally, TEC §39.075(a) authorizes the commissioner to conduct special accreditation investigations:

(5) When extraordinary numbers of student placements in alternative education programs, other than placements under Section 37.006 and 37.007, are determined.

List of 2009 Discipline Data Validation Indicators

Nine indicators have been developed to meet the statutory requirements described above:

1. Length of Student's Out-of-School Suspension
2. Length of Student's In-School Suspension (Report Only)
3. Unauthorized Student Expulsion
4. Unauthorized Expulsion of a Student under Age 10
5. Unauthorized DAEP Placement of a Student under Age 6
6. High Number of Discretionary DAEP Placements
7. African American Discretionary DAEP Placements
8. Hispanic Discretionary DAEP Placements (Report Only)
9. No Mandatory Expellable Incidents Reported for Multiple Years

Detailed information on all of the 2009 discipline data validation indicators is provided in the pages that follow.

Data Validation Reports

The 2009 discipline data validation analysis for the indicators listed above is based on discipline data from the 2008-2009 school year which were submitted by districts in June/July 2009¹. District-level reports and certain student-level data² have been generated for each district identified for further validation on one or more of the 2009 discipline data validation indicators and/or districts with data to report on the two new Report Only indicators. These reports and student-level data are available via the Accountability application on TEASE. Districts not identified for further validation and districts with no data to report on the two new Report Only indicators will receive the following message if they attempt to access the report on TEASE: *“Your district was not identified in the 2009 discipline data validation analysis, and therefore no report will be generated.”*

If a district has been identified for further validation on an indicator, this is referred to as “triggering” the indicator. The district count of the number of instances where specific coding was identified will be noted on each district’s report. Only the indicators a district triggers (plus any Report Only indicators) will be listed on the report. For example, in the sample report provided, six of the nine indicators are listed because the district triggered four indicators, and two are Report Only indicators.

¹ Indicator #9 also includes an analysis of discipline data from the 2006-2007 and 2007-2008 school years.

² Student-level data are not applicable to Indicators #2 and #6 - #9.

SAMPLE REPORT
CONFIDENTIAL
Texas Education Agency
2009 PBM Data Validation Report
Discipline Data

EXAMPLE ISD

REGION ZZ

DATA SOURCE:

INDICATORS 1-8 = PEIMS SUMMER SUBMISSION 2009 (425 RECORD)

INDICATOR 9 = PEIMS SUMMER SUBMISSION 2007, 2008, AND 2009 (425 RECORD)

INDICATOR

DISTRICT COUNT

#1 LENGTH OF STUDENT'S OUT-OF-SCHOOL SUSPENSION

1

#2 LENGTH OF STUDENT'S IN-SCHOOL SUSPENSION (REPORT ONLY)

9

#3 UNAUTHORIZED STUDENT EXPULSION

4

#4 UNAUTHORIZED EXPULSION OF A STUDENT UNDER AGE 10

3

	<u>STANDARD</u>	<u>DISTRICT RATE</u>	<u>NUMERATOR</u>	<u>DENOMINATOR</u>
#6 HIGH NUMBER OF DISCRETIONARY DAEP PLACEMENTS	5.0	6.0	69	1157

	<u>STATE RATE AND DIFFERENCE</u>	<u>DISTRICT RATE AND DIFFERENCE</u>	<u>NUMERATOR</u>	<u>DENOMINATOR</u>
#8 HISPANIC DISCRETIONARY DAEP PLACEMENTS (REPORT ONLY)	(DIFF) TBD	(DIFF) 3.0		
HISPANIC DAEP PLACEMENT	TBD	9.0	27	300
ALL DAEP PLACEMENTS	TBD	6.0	69	1157

This report contains confidential information and data that are not masked to protect individual student confidentiality. Unauthorized disclosure of confidential student information is illegal as provided in the Family Educational Rights and Privacy Act of 1974 (FERPA) and implementing federal regulations found in 34 CFR, Part 99.

For detailed information on each of the indicators above, see the [2009 Discipline Data Validation Manual](http://ritter.tea.state.tx.us/pbm/DIManuals.html) available at <http://ritter.tea.state.tx.us/pbm/DIManuals.html>.

The district counts in the sample report above can be interpreted as follows:

- #1 LENGTH OF STUDENT'S OUT-OF-SCHOOL SUSPENSION: The district reported one (1) instance of out-of-school suspension that exceeded the allowable length under state law.
- #2 LENGTH OF STUDENT'S IN-SCHOOL SUSPENSION: The district reported nine (9) students with total days in in-school suspension equal to or greater than 30 for the 2008-09 school year.
- #3 UNAUTHORIZED STUDENT EXPULSION: The district reported four (4) instances of expulsion that were for unauthorized reasons.
- #4 UNAUTHORIZED EXPULSION OF A STUDENT UNDER AGE 10: The district reported three (3) instances of unauthorized expulsion of students under age 10.
- #6 HIGH NUMBER OF DISCRETIONARY DAEP PLACEMENTS: The district reported sixty-nine instances of discretionary DAEP placements and 1,157 students in attendance, resulting in a discretionary DAEP placement rate of 6.0. That rate exceeds the standard of 5.0.
- #8 HISPANIC DISCRETIONARY DAEP PLACEMENTS (REPORT ONLY INDICATOR): The state and district discretionary DAEP placement rates, along with the district's total number of DAEP placements for all students and for Hispanic students, are reported for district information and planning purposes. (The state rates are listed as "To Be Determined" [TBD] on the sample report but will appear as actual rates on each district's report.)

Data Validation Requirements

The Program Monitoring and Interventions (PMI) Division will notify each district selected for a PBM discipline data validation intervention via the Intervention Stage and Activity Manager (ISAM) application on TEASE. The PMI Division will inform districts that intervention stages have been posted to ISAM by posting a "To the Administrator Addressed" letter on the TEA web page for correspondence or sending a "To the Administrator Addressed" letter via electronic mail or first-class mail. It is the district's obligation to access the correspondence from the PMI Division by (a) subscribing to the listserv for "To the Administrator Addressed" correspondence; and (b) accessing the ISAM system as directed to retrieve intervention instructions and information. Guidance and resource documents that pertain specifically to the performance-based monitoring data validation indicators are available at: <http://ritter.tea.state.tx.us/pmi/datamon/>. These documents have been developed to support districts in reviewing their current data reporting and programmatic practices related to discipline and dropout data.

Additional Resources

Performance-based monitoring contacts at each education service center are available to provide districts with technical assistance concerning the 2009 discipline data validation indicators (See Appendix A). In addition, the *PEIMS Data Standards*, which describe the PEIMS data reporting requirements and provide descriptions of data elements and the codes used to report them, as well as PEIMS Edit+ reports that present student rosters listed by both Reason and Action Codes, are available as additional resources for districts from the following web address:

<http://www.tea.state.tx.us/index4.aspx?id=3012>. PEIMS Edit+ reports districts may find helpful include:

- PRF7D012 (Student Disciplinary Action Detail Report by Reason)
- PRF7D013 (Student Disciplinary Action Detail Report by Action)
- PRF7D014 (Student Disciplinary Action Summary)
- PRF7D029 (Student Disciplinary Action with Campus of Disciplinary Responsibility)
- PRF0A001 (Data Element Summary Reports)

These reports, along with other data and reports available locally to districts, can be used to identify and analyze the specific instances that caused a district to trigger one or more of the 2009 discipline data validation indicators.

Discipline Data Validation Indicators

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Discipline Data Validation Indicator #1: Length of Student's Out-Of-School Suspension

This indicator identifies districts with students reported as suspended out-of-school (OSS) for more than the three school days allowed under TEC §37.005.

APPLICABLE DISCIPLINE ACTION CODES FROM THE PEIMS 425 RECORD

Out-of-school suspensions are those that have the following Action Codes:

- 05=Out-of-school suspension
- 25=Partial day out-of-school suspension
 - The cumulative sum of **Official Length of Disciplinary Assignment** for the Action Codes above cannot exceed 3 days per incident.
 - The cumulative sum of **Actual Length of Disciplinary Assignment** for the Action Codes above cannot exceed 3 days per incident.

NOTES

- There are no minimum size requirements for this indicator.
- Charters are included in this indicator.
- Discipline Reason Codes are not considered in this indicator.
- A district will trigger this indicator if it reports students as suspended out-of-school for more than the 3 days allowable.
- The Official Length of Disciplinary Assignment and the Actual Length of Disciplinary Assignment are calculated for either Action Code 05 or 25, or cumulatively if both codes are used for the same incident.
- As stipulated in TEC §37.005, **under no circumstance may an OSS exceed (3) three days.** If a student receives out-of-school suspension for a partial school day (even if for one class period), that partial day is considered one of the three total allowable out-of-school suspension days.

Discipline Data Validation Indicator #2: Length of Student's In-School Suspension (Report Only)

This indicator identifies districts with one or more students placed in in-school suspension during the 2008-2009 school year for 30 or more actual days.

APPLICABLE DISCIPLINE ACTION CODES FROM THE PEIMS 425 RECORD

In-school suspensions are those that have the following Action Codes:

- 06=in-school suspension
- 26=Partial day in-school suspension

NOTES

- There are no minimum size requirements for this indicator.
- Charters are **not** included in this indicator.
- Discipline Reason Codes are not considered in this indicator.
- The Actual Length of Disciplinary Assignment is calculated for either Action Code 06 or 26, or cumulatively, if both codes are used for the same incident.

Discipline Data Validation Indicator #3: Unauthorized Student Expulsion

This indicator identifies districts with students reported as expelled from their regular education setting based on a disciplinary reason not allowed under TEC §37.007.

APPLICABLE DISCIPLINE REASON CODES FROM THE PEIMS 425 RECORD

A district will trigger this indicator if it reports one of the following Reason Codes in combination with one of the Action Codes below and on the next page:

- 01=Permanent Removal by a Teacher from Class – TEC §37.002(b)
- 02=Conduct punishable as a felony – TEC §37.006(a)(2)(A)
- 07=Public lewdness or indecent exposure – TEC §37.006(a)(2)(F)
- 21=Violation of student code of conduct not included under TEC §§37.002(b), 37.006, or 37.007
- 28=Assault under Penal Code §22.01(a)(1) against someone other than a school district employee or volunteer – TEC §37.006(a)(2)(B)
- 33=Possessed, purchased, used, or accepted a cigarette or tobacco product as defined in the Health and Safety Code, Section 3.01, Chapter 161.252
- 34=School-related gang violence – Action by three or more persons having a common identifying sign or symbol, or an identifiable sign or symbol, or an identifiable leadership who associate in the commission of criminal activities under Penal Code §71.01
- 41=Fighting/Mutual combat – Excludes all offenses under Penal Code §22.01
- 42=Truancy (failure to attend school) – Parent contributing to truancy – TEC §25.093(a)
- 43=Truancy (failure to attend school) – Student with at least 3 unexcused absences – TEC §25.094
- 44=Truancy (failure to attend school) – Student with 10 unexcused absences – TEC §25.094
- 45=Truancy (failure to attend school) – Student failure to enroll in school – TEC §25.085

APPLICABLE DISCIPLINARY ACTION CODES FROM THE PEIMS 425 RECORD

The following Action Codes are **not** appropriate to use for the Reason Codes above:

- 01=Expulsion (TEC §37.007) without placement in another educational setting as a result of a formal expulsion hearing [TEC §37.009(f)]
- 02=Expulsion (TEC §37.007) with placement in a JJAEP as a result of a formal expulsion hearing [TEC §37.009(f)]
- 03=Expulsion (TEC §37.007) with placement in an on-campus DAEP as a result of a formal expulsion hearing [TEC §37.009(f)]
- 04=Expulsion (TEC §37.007) with placement in an off-campus DAEP as a result of a formal expulsion hearing [TEC §37.009(f)]

- 09=Continuation of other district's expulsion order
- 11=Continuation of the district's expulsion order from the prior school year
- 12=Continuation of the district's expulsion with placement to a JJAEP from the prior school year
- 15=Continuation of other district's expulsion with placement to a JJAEP
- 50=Expulsion without placement in another educational setting as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 51=Expulsion with placement to a JJAEP as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 52=Expulsion with placement to an on-campus DAEP as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 53=Expulsion with placement to an off-campus DAEP as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 56=Continuation of other district's expulsion order as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 58=Continuation of the district's expulsion order from the prior school year as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 59=Continuation of the district's expulsion with placement to a JJAEP from the prior school year as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 61=Continuation of other district's expulsion with placement to a JJAEP as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)

NOTES

- There are no minimum size requirements for this indicator.
- Charters are **not** included in this indicator.
- A district will trigger this indicator if it reports any combination of the above Reason and Action Codes. For example, a district that reports expelling a student without placement in another education setting as a result of a formal expulsion hearing (Action Code 01) for fighting/mutual combat (Reason Code 41) will trigger this indicator for the unauthorized expulsion.
- Students under age 10 at the time of the incident are **not** included in this indicator. (See Indicator #4.)

Discipline Data Validation Indicator #4: Unauthorized Expulsion of a Student under Age 10

This indicator identifies districts that reported expelling a student under age 10, which is prohibited under TEC §37.007(h) unless the student is expelled to a DAEP program for bringing a firearm to school, as defined by 18 U.S.C. Section 921.

APPLICABLE DISCIPLINARY ACTION CODES FROM THE PEIMS 425 RECORD

The following Action Codes pertaining to expulsion are **not** appropriate for students under age 10. Reason Code 11 (*Used, exhibited, or possessed a firearm—TEC §§37.007(a)(1)(A) and 37.007(e) and/or brought a firearm to school – TEC §37.007(e)*) is **not** considered in this indicator.

- 01=Expulsion (TEC §37.007) without placement in another educational setting as a result of a formal expulsion hearing [TEC §37.009(f)]
- 02=Expulsion (TEC §37.007) with placement in a JJAEP as a result of a formal expulsion hearing [TEC §37.009(f)]
- 03=Expulsion (TEC §37.007) with placement in an on-campus DAEP as a result of a formal expulsion hearing [TEC §37.009(f)]
- 04=Expulsion (TEC §37.007) with placement in an off-campus DAEP as a result of a formal expulsion hearing [TEC §37.009(f)]
- 09=Continuation of other district's expulsion order
- 11=Continuation of the district's expulsion order from the prior school year
- 12=Continuation of the district's expulsion with placement to a JJAEP from the prior school year
- 15=Continuation of other district's expulsion with placement to a JJAEP
- 50=Expulsion without placement in another educational setting as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 51=Expulsion with placement to a JJAEP as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 52=Expulsion with placement to an on-campus DAEP as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 53=Expulsion with placement to an off-campus DAEP as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 56=Continuation of other district's expulsion order as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 58=Continuation of the district's expulsion order from the prior school year as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 59=Continuation of the district's expulsion with placement to a JJAEP from the prior school year as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)

- 61=Continuation of other district's expulsion with placement to a JJAEP as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)

NOTES

- There are no minimum size requirements for this indicator.
- Charters are included in this indicator.
- Reason Code 11(*Used, exhibited, or possessed a firearm—TEC §§37.007(a)(1)(A) and 37.007(e) and/or brought a firearm to school – TEC §37.007 (e)*) is **not** considered in this indicator.
- A district will trigger this indicator if it reports any of the above Action Codes for a student under age 10 for any Reason Code other than Reason Code 11. For example, a district that reports expelling a nine-year old student with placement in an off-campus DAEP as a result of a formal expulsion hearing (Action Code 04) for serious and persistent misconduct (Reason Code 20) will trigger the indicator for the unauthorized expulsion.

Discipline Data Validation Indicator #5: Unauthorized DAEP Placement of a Student Under Age 6

This indicator identifies districts that reported a DAEP placement of a student under age 6, which is prohibited under TEC §37.006(1) unless the student is expelled to a DAEP program for bringing a firearm to school, as defined by 18 U.S.C. Section 921.

APPLICABLE DISCIPLINE ACTION CODES FROM THE PEIMS 425 RECORD

The following Action Codes pertaining to DAEP assignments are **not** appropriate for students under age 6. Reason Code 11 (*Used, exhibited, or possessed a firearm—TEC §§37.007(a)(1)(A) and 37.007(e) and/or brought a firearm to school – TEC §37.007(e)*) is **not** considered in this indicator.

- 07=Placement in an on-campus or off-campus DAEP (TEC §37.008) as a result of a conference [TEC §37.009(a)], rather than a formal hearing as required for expulsion
- 08=Continuation of other district's DAEP placement
- 10=Continuation of the district's DAEP placement from the prior school year
- 14=Placement in a DAEP by Court order
- 54=Placement in an alternative education program established under TEC §37.008 as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 55=Continuation of other district's DAEP placement as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)
- 57=Continuation of the district's DAEP placement from the prior school year as a result of a determination by a special education hearing officer (not a hearing officer employed or appointed by the district)

NOTES

- There are no minimum size requirements for this indicator.
- Charters are included in this indicator.
- Reason Code 11 (*Used, exhibited, or possessed a firearm—TEC §§37.007(a)(1)(A) and 37.007(e) and/or brought a firearm to school – TEC §37.007(e)*) is **not** considered in this indicator.
- A district will trigger this indicator if it reports any of the above Action Codes for a student under age six for any Reason Code other than Reason Code 11. For example, a district that reports placing a five-year old student in an on-campus or off-campus DAEP as a result of a conference, rather than a formal hearing as required for expulsion (Action Code 07) for violating the local code of conduct (Reason Code 21) will trigger the indicator for the unauthorized DAEP placement.

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Discipline Data Validation Indicator #6: High Number of Discretionary DAEP Placements

This indicator identifies districts with a high number of discretionary DAEP placements for all students.

APPLICABLE DISCIPLINE ACTION CODES FROM THE PEIMS 425 RECORD

The following Action Codes are used in this indicator:

- 07=Placement in an on-campus or off-campus DAEP (TEC §37.008) as a result of a conference [TEC §37.009(a)], rather than a formal hearing as required for expulsion
- 08=Continuation of other district's DAEP placement
- 10=Continuation of the district's DAEP placement from the prior school year

APPLICABLE DISCIPLINE REASON CODES FROM THE PEIMS 425 RECORD

The following Reason Codes are used for this indicator:

- 01=Permanent Removal by a Teacher from Class – TEC §37.002(b)
- 10=Based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity for felony offenses not in Title 5, Penal Code – TEC §37.006(d) and TEC §37.007(b)(4)
- 21=Violation of student code of conduct not included under TEC §§37.002(b), 37.006, or 37.007
- 22=Criminal mischief – TEC §37.007(f)
- 23=Emergency Placement/expulsion – TEC §37.019
- 33=Possessed, purchased, used, or accepted a cigarette or tobacco product as defined in the Health and Safety Code, Section 3.01, Chapter 161.252
- 34=School-related gang violence – Action by three or more persons having a common identifying sign or symbol, or an identifiable sign or symbol, or an identifiable leadership who associate in the commission of criminal activities under Penal Code §71.01
- 41=Fighting/Mutual Combat – Excludes all offenses under Penal Code §22.01
- 49=Engages in deadly conduct – TEC §37.007(b)(3)
- 50=Used, exhibited, or possessed a non-illegal knife as defined by student code of conduct and as allowed under TEC §37.007. (Knife blade equal to or less than 5.5 inches.)
- 51=Firearm (Off Campus 300 ft. Zone)
- 52=Illegal Knife, Club, or Prohibited Weapon (Off Campus 300 ft. Zone)

INDICATOR CALCULATION

1. For each district, calculate the district **discretionary DAEP placement rate for all students**:

$$\begin{array}{l} \textit{District} \\ \textit{discretionary} \\ \textit{DAEP placement} \\ \textit{rate} \end{array} = \frac{\textit{District number of discretionary DAEP placements of all students in 2008-2009}}{\textit{District number of all students in attendance in 2008-2009}}$$

2. For each district, **compare the all students discretionary DAEP placement rate to the established standard of 5.0.**

NOTES

- Minimum Size Requirements: At least 30 students in attendance and at least 5 discretionary DAEP placements.
- A district will trigger this indicator if its discretionary DAEP placement rate is 5.0 or higher.
- Charters are included in this indicator.
- Only one action per incident number is counted under this indicator.

Discipline Data Validation Indicator #7: African American Discretionary DAEP Placements

This indicator identifies districts with a higher rate of African American discretionary DAEP placements compared to the rate of discretionary DAEP placements for all students.

APPLICABLE DISCIPLINE ACTION CODES FROM THE PEIMS 425 RECORD

The following Action Codes are used in this indicator:

- 07=Placement in an on-campus or off-campus DAEP (TEC §37.008) as a result of a conference [TEC §37.009(a)], rather than a formal hearing as required for expulsion
- 08=Continuation of other district's DAEP placement
- 10=Continuation of the district's DAEP placement from the prior school year

APPLICABLE DISCIPLINE REASON CODES FROM THE PEIMS 425 RECORD

The following Reason Codes are used for this indicator:

- 01=Permanent Removal by a Teacher from Class – TEC §37.002(b)
- 10=Based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity for felony offenses not in Title 5, Penal Code – TEC §37.006(d) and TEC §37.007(b)(4)
- 21=Violation of student code of conduct not included under TEC §§37.002(b), 37.006, or 37.007
- 22=Criminal mischief – TEC §37.007(f)
- 23=Emergency Placement/expulsion – TEC §37.019
- 33=Possessed, purchased, used, or accepted a cigarette or tobacco product as defined in the Health and Safety Code, Section 3.01, Chapter 161.252
- 34=School-related gang violence – Action by three or more persons having a common identifying sign or symbol, or an identifiable sign or symbol, or an identifiable leadership who associate in the commission of criminal activities under Penal Code §71.01
- 41=Fighting/Mutual Combat – Excludes all offenses under Penal Code §22.01
- 49=Engages in deadly conduct – TEC §37.007(b)(3)
- 50=Used, exhibited, or possessed a non-illegal knife as defined by student code of conduct and as allowed under TEC §37.007. (Knife blade equal to or less than 5.5 inches.)
- 51=Firearm (Off Campus 300 ft. Zone)
- 52=Illegal Knife, Club, or Prohibited Weapon (Off Campus 300 ft. Zone)

INDICATOR CALCULATION

1. For each district, calculate the district **discretionary DAEP placement rate for African American students**:

$$\begin{array}{l} \textit{District African} \\ \textit{American} \\ \textit{discretionary} \\ \textit{DAEP placement} \\ \textit{rate} \end{array} = \frac{\textit{District number of discretionary DAEP placements of African American students in 2008-2009}}{\textit{District number of African American students in attendance in 2008-2009}}$$

2. For each district, calculate the district **discretionary DAEP placement rate for all students**:

$$\begin{array}{l} \textit{District overall} \\ \textit{discretionary} \\ \textit{DAEP placement} \\ \textit{rate} \end{array} = \frac{\textit{District number of discretionary DAEP placements of all students in 2008-2009}}{\textit{District number of all students in attendance in 2008-2009}}$$

3. For each district, compare the overall discretionary DAEP placement rate to the African American discretionary DAEP placement rate at the district. Calculate the **difference** by subtracting the district **overall discretionary DAEP placement rate** from the district **African American discretionary DAEP placement rate**.

$$\textit{Difference} = \textit{District African American discretionary DAEP placement rate} - \textit{District overall discretionary DAEP placement rate}$$

NOTES

- Minimum Size Requirements: At least 30 students in attendance and at least 10 discretionary DAEP placements of African American students.
- A district will trigger this indicator if its discretionary DAEP placement rate for African American students is double (or more) than its discretionary DAEP placement rate for all students.
- Charters are included in this indicator.
- Only one action per incident number is counted under this indicator.

Discipline Data Validation Indicator #8: Hispanic Discretionary DAEP Placements (Report Only)

This indicator provides districts with reporting information about the number of Hispanic discretionary DAEP placements compared to the number of discretionary DAEP placements for all students.

APPLICABLE DISCIPLINE ACTION CODES FROM THE PEIMS 425 RECORD

The following Action Codes are used in this indicator:

- 07=Placement in an on-campus or off-campus DAEP (TEC §37.008) as a result of a conference [TEC §37.009(a)], rather than a formal hearing as required for expulsion
- 08=Continuation of other district's DAEP placement
- 10=Continuation of the district's DAEP placement from the prior school year

APPLICABLE DISCIPLINE REASON CODES FROM THE PEIMS 425 RECORD

The following Reason Codes are used for this indicator:

- 01=Permanent Removal by a Teacher from Class – TEC §37.002(b)
- 10=Based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity for felony offenses not in Title 5, Penal Code – TEC §37.006(d) and TEC §37.007(b)(4)
- 21=Violation of student code of conduct not included under TEC §§37.002(b), 37.006, or 37.007
- 22=Criminal mischief – TEC §37.007(f)
- 23=Emergency Placement/expulsion – TEC §37.019
- 33=Possessed, purchased, used, or accepted a cigarette or tobacco product as defined in the Health and Safety Code, Section 3.01, Chapter 161.252
- 34=School-related gang violence – Action by three or more persons having a common identifying sign or symbol, or an identifiable sign or symbol, or an identifiable leadership who associate in the commission of criminal activities under Penal Code §71.01
- 41=Fighting/Mutual Combat – Excludes all offenses under Penal Code §22.01
- 49=Engages in deadly conduct – TEC §37.007(b)(3)
- 50=Used, exhibited, or possessed a non-illegal knife as defined by student code of conduct and as allowed under TEC §37.007. (Knife blade equal to or less than 5.5 inches.)
- 51=Firearm (Off Campus 300 ft. Zone)
- 52=Illegal Knife, Club, or Prohibited Weapon (Off Campus 300 ft. Zone)

INDICATOR CALCULATION

1. For each district, calculate the district **discretionary DAEP placement rate for Hispanic students**:

$$\begin{array}{l} \textit{District Hispanic} \\ \textit{discretionary} \\ \textit{DAEP placement} \\ \textit{rate} \end{array} = \frac{\textit{District number of discretionary DAEP placements of Hispanic students in 2008-2009}}{\textit{District number of Hispanic students in attendance in 2008-2009}}$$

2. For each district, calculate the district **discretionary DAEP placement rate for all students**:

$$\begin{array}{l} \textit{District overall} \\ \textit{discretionary} \\ \textit{DAEP placement} \\ \textit{rate} \end{array} = \frac{\textit{District number of discretionary DAEP placements of all students in 2008-2009}}{\textit{District number of all students in attendance in 2008-2009}}$$

3. For each district, compare the overall discretionary DAEP placement rate to the Hispanic discretionary DAEP placement rate at the district. Calculate the **difference** by subtracting the district **overall discretionary DAEP placement rate** from the district **Hispanic discretionary DAEP placement rate**.

$$\textit{Difference} = \textit{District Hispanic discretionary DAEP placement rate} - \textit{District overall discretionary DAEP placement rate}$$

NOTES

- There are no minimum size requirements for this indicator.
- This indicator is reported for district information and planning purposes only. Until a standard is implemented for this indicator, districts are encouraged to compare their district rate to the state rate presented on each district report to determine whether their performance varies significantly from that of the state as a whole.
- Charters are included in this indicator.
- Only one action per incident number is counted under this indicator.

Discipline Data Validation Indicator #9: No Mandatory Expellable Incidents Reported for Multiple Years

This indicator identifies districts that have one or more campuses with no mandatory expellable incidents reported for three years.

APPLICABLE DISCIPLINE REASON CODES FROM THE PEIMS 425 RECORD

- 11=Used, exhibited, or possessed a firearm – TEC §§37.007(a)(1)(A) and 37.007(e) and/or brought a firearm to school – TEC §37.007(e)
- 12=Used, exhibited, or possessed an illegal knife – TEC §37.007(a)(1)(B) (Illegal knife blade longer than 5.5 inches)
- 13=Used, exhibited, or possessed a club – TEC §37.007(a)(1)(C)
- 14=Used, exhibited, or possessed a prohibited weapon under Penal Code §46.05 – TEC §37.007(a)(1)(D)
- 16=Arson – TEC §37.007(a)(2)(B)
- 17=Murder, capital murder, criminal attempt to commit murder, or capital murder – TEC §37.007(a)(2)(C)
- 18=Indecency with a child – TEC §37.007(a)(2)(D)
- 19=Aggravated kidnapping – TEC §37.007(a)(2)(E)
- 29=Aggravated assault under Penal Code §22.02 against a school district employee or volunteer – TEC §37.007(d)
- 30=Aggravated assault under Penal Code §22.02 against someone other than a school district employee or volunteer – TEC §37.007(a)(2)(A)
- 31=Sexual assault under Penal Code §22.011 or aggravated sexual assault under Penal Code §22.021 against a school district employee or volunteer – TEC §37.007(d)
- 32=Sexual assault under Penal Code §22.011 or aggravated sexual assault under Penal Code §22.021 against someone other than a school district employee or volunteer – TEC §37.007(a)(2)(A)
- 36=Felony controlled substance violation – TEC §37.007(a)(3)
- 37=Felony alcohol violation – TEC §37.007(a)(3)
- 46=Aggravated robbery – TEC §37.007(a)(2)(F)
- 47=Manslaughter – TEC §37.007(a)(2)(G)
- 48=Criminally negligent homicide – TEC §37.007(a)(2)(H)

NOTES

- Charters are **not** included in this indicator.
- Campuses where the highest grade level reported in PEIMS for attendance, extended year, or leavers is Early Education (EE), Pre-Kindergarten (PK), or Kindergarten (KG) are **not** included in this indicator.
- Only campuses with campus enrollment equal or greater than 30 students in all three years (2006-2007, 2007-2008, and 2008-2009) are included.
- Only regular instructional campuses are included.

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Appendix A: ESC Performance-Based Monitoring Contacts

Full Name	Region	City	Phone	Email Address
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Full Name	Region	City	Phone	Email Address
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COMMENTS AND QUESTIONS:

Questions about the *2009 Discipline Data Validation Indicators* should be addressed to:

Address: **Division of Performance-Based Monitoring**
 Texas Education Agency
 1701 North Congress Avenue
 Austin, Texas 78701-1494

Phone: **(512) 936-6426**

Fax: **(512) 475-3880**

Email: pbm@tea.state.tx.us

Comments on the 2009 Discipline Data Validation Indicators:

Comments on the 2009 Discipline Data Validation Indicators are welcome and will assist the agency in its evaluation and future development efforts. Comments may be submitted to **Rachel Harrington, Division Director, Division of Performance-Based Monitoring, Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494** or sent via e-mail to pbm@tea.state.tx.us. Comments should be provided no later than March 15, 2010, in order to allow sufficient time for consideration in the 2010 data validation development cycle.

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Texas Education Agency
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Texas Education Agency

