2009 Discipline Data Validation Manual

Performance-Based Monitoring System

2009

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2009 Discipline Data Validation Manual

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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 requiroru(em8r2(xpu)11r)-4(t)-(ces. -2(L)2(E)]TJ-L)2(E)]w 34]TJ8 Tw 25.3extas the

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 Pr6(tio13TJ 0-34.315T 09S)] 0.00ac.o-	[(1(i-acyY [(dofTm)5(t-5-7hY(atecaio)2 J 05.6	

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 bo84ye011 Tc3TJ   2.73(ct)4( )]T8E4-3(i)13(ece)11352.0440d9(d)5(r)]TJ   0 Tc 0 Tw 1f   -0.ur

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)

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

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 <u>ACTION</u> CODES FROM THE PEIMS 425 RECORD

Out-of-school suspensions are those that have the following <u>Action</u> Codes:

- 05=Out-of-school suspension
- 25=Partial day out-of-school suspension

  o The cumulative sum of **Official Length of Disciplinary Assignment** for the Action Codes above cannot exceed 3 days per incident.
  o The cumulative sum of **Actual Length of Disciplinary Assignment** for the Action Codes above cannot exceed 3 days per incident.

NOTES

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 <u>not</u> allowed under TEC §37.007.

APPLICABLE DISCIPLINE <u>REASON</u> CODES FROM THE PEIMS 425 RECORD

A district will trigger this indicator if it reports one of the following <u>Reason</u> Codes in combination with one of the <u>Action</u> 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 <u>ACTION</u> CODES FROM THE PEIMS 425 RECORD

The following <u>Action</u> Codes are **not** appropriate to use for the <u>Reason</u> Codes above:

- 01=Expulsion (– 1 l01=Expulsion (– E()Tj   ( )Tj   -0.0ou

- 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 <u>ACTION</u> CODES FROM THE PEIMS 425 RECORD

The following <u>Action</u> Codes pertaining to expulsion are **not** appropriate for students under age 10. <u>Reason</u> 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 T 110 T3   on2(a)1

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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(l) 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 <u>ACTION</u> CODES FROM THE PEIMS 425 RECORD

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Discipline Data Validation Indicator #6

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 <u>ACTION</u> CODES FROM THE PEIMS 425 RECORD

The following <u>Action</u> 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 <u>Reason</u> 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=dviol488(uPH528cl989code of conduct not included under TEC §§S37300200037.006, or 37.007   Tc   -0.002   Tw

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

$$\text{District African American discretionary DAEP placement rate} = \frac{\text{District number of discretionary DAEP placements of African American students in 2008-2009}}{\text{District number of African American students in attendance in 2008-2009}}$$

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

$$\text{District overall discretionary DAEP placement rate} = \frac{\text{District number of discretionary DAEP placements of all students in 2008-2009}}{\text{District number of all students in attendance in 2008-2009}}$$

3. For each district, compare the overall

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 <u>ACTION</u> CODES FROM THE PEIMS 425 RECORD

The following

INDICATOR CALCULATION

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

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

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

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

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.**

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

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, di

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 <u>REASON</u> 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.

Appendix A: ESC Performance-Based Monitoring Contacts

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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