

# *The Quorum Report*

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*December 9, 2005 4:49 PM*

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## **DUTTON SAYS ALTERNATIVE PLACEMENT OF STUDENTS SHOULD BE SCRAPPED**

### **Says Chapter 37 of Education Code failing neediest students.**

**Rep. Harold Dutton (D-Houston)** told a policy forum this week he could find nothing to redeem the *Safe Schools chapter* of the *Education Code* and suggested scrapping it so it could be replaced with a program that would get disruptive students a proper education.

A *Texas Public Policy Foundation* panel on Wednesday, "Education or Gateway to Incarceration," took a dim view of the current "zero tolerance" strategy in the state, which gives teachers and districts broad latitude to remove disruptive students from the classroom and place them in either district or regional alternative education programs, depending on the offense. The panel criticized those programs for a lack of rigor and accountability. A

The message when the education code was rewritten 10 years ago was that no child would be turned out onto the street, Dutton said. Every child would get an education. The resulting system, however, has been an education system that has failed students who needed help the most, Dutton said.

Dutton found plenty to criticize in the current system, including the latitude of police officers on school district campuses to ticket children as young as elementary school or offenses as minor as chewing gum in a classroom. Dutton is still looking to amend the code to make sure the only offenses worth a ticket are those that violate the penal code.

Teachers push children out of the classroom they don't know how to teach, into alternative educational settings with no academic standards, Dutton said. The alternative education system provides no behavioral intervention, then after some undefined time often sends the child back to the traditional setting, expecting a different outcome.

"I have come to figure out that when it comes to Texas, we have decided that we are going to fix education by raising the ceiling, but if you really wanted to change education, we would raise the floor two grade levels," Dutton told the group. "Then you will see an educational miracle in Texas."

Dutton said the state's alternative education programs did nothing more than what they were intended to do: provide a pipeline to the Texas criminal justice system.

Other members on the panel included **Professor Bob Barr** of *Boise State* and **Richard LaVallo** of *Advocacy Inc.* Barr said he was appalled by the lack of accountability in the state's alternative education programs and said they manufactured low achievement. He urged state leaders to do a better job at intervention with troubled students, especially when it comes to teaching basic skills that went untaught in the classroom.

LaVallo said a disproportionate percentage of learning-disabled children were being funneled into alternative education

programs under the discretionary provision of the code – those students who do not commit serious crimes or major infractions – which was a clear sign that the ability of teachers to teach children with learning disabilities was as big a problem as the actual behavior of those students. He suggested a mandatory cap of 11 percent learning disabled for discretionary placements in alternative education.

**David Anderson**, general counsel for the *Texas Education Agency*, provided an overview of the chapter of the education code. He said challenges to the code often cover five areas: funding of the program, especially the in-district alternative programs; the quality of the academic programs offered on the alternative campus; the procedures for putting students in alternative programs, and whether those procedures should include additional due process for criminal infractions; whether campuses should specialize and avoid mixing students with minor infractions with those who have criminal offenses; and how these alternative programs are handling students with learning disabilities.

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