





**TO:** P-12 Education Committee  
**FROM:** Cosimo Tangorra, Jr.   
**SUBJECT:** Expulsion and Suspension of Children, Ages 3-5, from Regular Early Childhood and Special Education Programs  
**DATE:** May 11, 2015  
**AUTHORIZATION(S):** 

## SUMMARY

### Issue for Discussion

The Department will provide the Board with information regarding the federal Policy Statement on Expulsion and Suspension in Early Childhood Settings, released in December 2014.

### Proposed Handling

This item will come before the P-12 Education Committee for discussion at the May 2015 meeting.

### Background Information

In December 2014, the United States Department of Health and Human Services and Department of Education released a joint policy statement on expulsion and suspension policies in early childhood settings. The Policy Statement brought to light the problematic issue of expulsion and suspension practices in early childhood settings<sup>1</sup> and provided recommendations for preventing, severely limiting, and ultimately eliminating expulsion and suspension practices in programs that provide early care and education to young children. In addition, the Policy Statement identified free resources to support States, programs, teachers, providers, and families.

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<sup>1</sup> Early childhood settings, for purposes of this Report, refers to any program that provides early care and education to young children, ages three to five, including but not limited to private child care; Head Start; public, private and faith-based Pre-K/preschool programs; and preschool special education programs.

## Research

The importance of early childhood education is not a new concept, and states across the nation have invested in programs for their youngest learners. The experiences of early learners set the foundation for their social-emotional, behavioral, academic, and physical development. Research, however, shows that expulsions and suspensions in early childhood settings occur at high rates.<sup>2</sup>

A study published in 2005 represented all of the nation's state-funded prekindergarten systems across 40 states and found that over 10 percent of preschool teachers in state-funded prekindergarten programs reported expelling at least one preschooler in the past year. Nationally, the prekindergarten expulsion rate was three times the rate for K-12 students. Of the 52 state prekindergarten systems, New York State's (NYS) Experimental<sup>3</sup> and Universal Prekindergarten Programs had the 7<sup>th</sup> and 18<sup>th</sup> highest expulsion rates, respectively.<sup>2</sup>

Research also indicates that specific groups of children are being disproportionately expelled and suspended from early childhood settings. United States Education Department data reports that Black/African American students represent 18 percent of preschool enrollment, but 42 percent of preschool students suspended once, and 48 percent of preschool students suspended more than once. In contrast, White students represent 43 percent of preschool enrollment, but 26 percent of preschool children receiving more than one suspension. Boys represent 54 percent of the preschool population, but 79 percent of preschoolers suspended once, and 82 percent of preschoolers suspended multiple times.<sup>4</sup>

Suspension and expulsion produce negative outcomes at individual, family, community, and state levels. To remove children from their learning environments is to remove their opportunities for developing essential skills. Research shows that students who experience out-of-school suspension and expulsion are as much as 10 times more likely to drop out of high school. These practices are also linked to involvement in the juvenile justice system.<sup>5</sup>

Furthermore, suspension and expulsion may interfere with the process of identifying and providing supports for underlying issues, such as developmental disabilities or mental health issues.<sup>6</sup> Preschool children with disabilities have disciplinary protections under the Individuals with Disabilities Education Act (IDEA), and early childhood programs must comply with applicable legal requirements. To avoid suspension and expulsion, students must be provided with appropriate behavioral interventions and supports.

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<sup>2</sup> Gilliam, W.S. (2005). *Prekindergarteners left behind: Expulsion and suspension rates in state prekindergarten systems*. New Haven, CT: Yale University Child Study Center.

<sup>3</sup> Currently termed the Targeted Prekindergarten Program.

<sup>4</sup> U.S Department of Education Office for Civil Rights (2014). *Data Snapshot: Early Childhood Education*.

<sup>5</sup> Council on School Health. (2013). *Policy statement: Out-of-school suspension and expulsion*. *Pediatrics*, 131(3), e1000-e1007. Retrieved from <http://pediatrics.aappublications.org/content/131/3/e1000>

<sup>6</sup> Perry, D. F., Holland, C., Darling-Kuria, N., & Nadiv, S. (2011). *Challenging behavior and expulsion from child care: The role of mental health consultation*. *Zero to Three*, November, p. 4-11.

While research has identified the problems related to expulsion and suspension in early childhood programs, it has also identified predictors of early expulsion and a promising practice to reduce the number of expulsions and suspensions. Predictors of early expulsion include: higher numbers of children per teacher; extended length of class day; and high teacher job stress. These predictors should be considered when developing programmatic policies.<sup>7</sup>

A promising practice to reduce the likelihood of expulsion and suspension is early childhood mental health consultation. Prekindergarten teachers who have ongoing access to and relationships with classroom-based mental health consultants are about half as likely to report expelling a student as teachers with no such support.<sup>2</sup> If teachers and providers do not have sufficient training and support in understanding child development and coping with challenging behaviors, the rates of expulsion and suspension are unlikely to decrease.

New York State has invested in early learning programs because it recognizes the importance of early childhood education. The expulsion and suspension of young children is a direct conflict with the State's efforts. The federal Policy Statement and empirical research provide important guidance for the State and early childhood providers to consider as it takes steps to severely limit and ultimately eliminate expulsion and suspension practices in early childhood settings.

### **Federal Recommendations for State Action**

The following are Recommendations for State Action from the federal Policy Statement:

*Develop and clearly communicate expulsion and suspension policies.*

- Establish statewide policies to foster children's social-emotional and behavioral health and to severely limit or eliminate the use of expulsion, suspension, and other exclusionary discipline practices.
- Ensure that discipline policies comply with applicable federal civil rights laws and procedural safeguards under IDEA.

*Set goals for improvement and analyze data to assess progress.*

- Build capacity to collect and analyze statewide data on expulsions and suspensions.
- Track data on: workforce professional development or continuing education; access to behavioral or mental health specialists; investments and effects of prevention efforts; and expulsion and suspension from early childhood programs.
- Align early childhood data systems with K-12 systems.
- Develop roadmaps to eliminating expulsion and suspension, using goals and data-driven progress monitoring.

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<sup>7</sup> Gilliam, W.S. (2008). Implementing policies to reduce the likelihood of preschool expulsion (Foundation for Child Development policy brief 7). Retrieved from [http://medicine.yale.edu/childstudy/ziqler/350\\_34772\\_PreKExpulsionBrief2.pdf](http://medicine.yale.edu/childstudy/ziqler/350_34772_PreKExpulsionBrief2.pdf)

*Invest in workforce preparation and development.*

- Establish early childhood development credentials for entry-level providers and teachers.
- Ensure that, in local institutions of higher education, a strong component of teacher preparation includes social-emotional and behavioral health promotion in addition to reflective practices to identify and eliminate biases.
- Implement statewide early childhood mental health consultation systems.
- Adopt a Positive Behavior Intervention and Supports (PBIS) framework.

*Establish and implement policies regarding program quality.*

- Increase the overall quality of early learning services. This could be accomplished by:
  - school leaders providing professional development that addresses social-emotional and behavioral development.
  - programs adhering to recommended group sizes and child/adult ratios.
  - teachers using developmentally appropriate, culturally and linguistically responsive practices and evidence-based curricula aligned with State early learning and development standards.
  - children having access to comprehensive services and individual accommodations and supports.

*Access free resources to develop and scale best practices.*

- Several free resources are identified in the Policy Statement that are available to assist States in eliminating expulsion and suspension in early childhood settings.

## **Recommendations**

New York has already implemented several of these recommendations, such as: supporting a PBIS framework in preschool and school age programs; establishing policies regarding program quality for State-funded prekindergarten programs, voluntarily-registered nonpublic nursery schools and kindergartens; and supporting development of Recognition and Response<sup>8</sup> programs. In addition, the Office of Special Education recently enhanced its IDEA-funded technical assistance resources to focus on preschool programs. In 2014, 10 preschool behavior specialists were added to the Regional Special Education Technical Assistance Support Centers to provide professional development and technical assistance to improve behavior practices in preschool programs where preschool students with disabilities are enrolled.

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<sup>8</sup> Recognition and Response is a multi-tier model for use with 3 to 5 year-olds in pre-kindergarten settings, designed to help early childhood teachers and parents recognize children who show signs of learning difficulty and respond in ways that help them experience early school success. These programs help teachers support children's academic learning as well as their social-emotional development. See <http://www.nysrti.org/page/preschool/>

The Department recommends that next steps include:

1. Establish statewide policies to foster children's social-emotional and behavioral health and to severely limit or eliminate the use of expulsion and suspension practices in regular early childhood programs and special education settings for children, ages 3 through 5. Regulatory changes may be required to support this effort.
2. Develop a statewide guidance document for early childhood programs focused on preventing, limiting, and eventually eliminating the suspension and expulsion of young children. This would be a collaborative effort of the Office of Special Education and the Office of Early Learning.
3. Build capacity to collect and analyze statewide data on expulsions and suspensions. The Department does not currently collect these data from its early childhood programs. One solution may be to collect data through program final reports.
4. Develop roadmaps to eliminating expulsion and suspension, using goals and data-driven progress monitoring. Once the Department establishes baseline data, goals can be determined.