

Suspension and Expulsion Policies in Early Childhood Classrooms

Educators, medical professionals, civil rights advocates, and children's advocates have recognized a growing trend in the use of exclusionary discipline in early childhood education settings. This includes the suspensions, expulsions, and other removals ("push-outs," so-called "soft" suspensions, calls home for the parent to pick up a child "who is not having a good day," etc.). Additionally, suspension and expulsion are emphasized in the State Report Card provisions of Every Student Succeeds Act (ESSA, 1111(h)(1)(C)(viii)(I)).

Why is this important?

Early childhood programs must protect children from harm but must also use alternatives to effectively support and respond to problem behaviors so that disciplinary removals such as expulsion and suspension are infrequent or unnecessary. Expulsion and suspension should only be used as a last resort when there is a serious safety concern that cannot be reduced or eliminated with reasonable modifications. Factors that may increase expulsion and suspension practices during early childhood education may include:

- Lack of positive relationships between educators, families, and children
- Misguided or missing policies
- Insufficient training and/or support for staff for promoting social-emotional development and managing challenging behavior
- Inconsistencies in classroom practices and/or expectations

Results of expulsions and suspensions during early childhood education may include:

- Negative impact to the development of positive relationships
- Disruption to learning
- Unintended and undesirable results (instead of reduced or eliminated targeted behaviors)
- Delay or interference with the process to identify and address underlying issues, which may include disabilities or mental health needs
- Increased family stress and burden, including location of alternate services, often without assistance

What can educators do to reduce the use of exclusionary discipline in early childhood settings?

Consider other requirements and guiding frameworks for appropriate discipline policy and practice:

- Applicable early childhood program requirements (e.g., IDEA, Statewide Voluntary Preschool Program, Shared Visions Preschool, Head Start, etc.), including minimizing disruptions and transitions in programming.
- Appropriate practices defined by program standards and criteria, such as Iowa Quality Preschool Program Standards, Head Start Program Performance Standards, National Association for the Education of Young Children Accreditation Standards and Assessment Items; or Recommended Practices of Division for Early Childhood.)
- Positive behavior supports frameworks (Pyramid Model/EC-PBIS)

What is the legal framework for exclusionary discipline in early childhood settings?

First, the parents of a child in a publicly funded early childhood program are constitutionally entitled to notice and an opportunity to be heard before any expulsion or lengthy removal (removal of more than ten days). See, e.g., *Goss v. Lopez* (U.S. Supreme Court, 1975). These are the same disciplinary protections in place for children in grades kindergarten through twelve receive.

Second, children with disabilities in early childhood programs are entitled to additional protections when they are removed from their educational program for disciplinary reasons. These protections are required by the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973.

Third, early childhood programs must implement disciplinary removals in a nondiscriminatory manner. Suspensions and expulsions of children administered in a discriminatory manner may violate federal civil rights laws. Discipline practices should not disproportionately impact any group of children. For example, for young children with disabilities (or for whom a disability has not been ruled out), the program is obligated to consider the implications of the child's behavioral needs, and the effects of the use of disciplinary removals when ensuring the provision of FAPE. Failure to make behavioral supports available throughout a continuum of placements, including in regular education settings, could result in an inappropriately restrictive placement and denial of placement in the Least Restrictive Environment (IDEA, 300.114(a)(1)).

What must early childhood programs do?

Early childhood programs must provide procedural protections required by *Goss* to all children and required by the IDEA and Section 504 to children with disabilities. See, e.g., *Goss v. Lopez* (U.S. Supreme Court, 1975). Early childhood programs must report suspension and expulsion of all children as required by School Reporting in Iowa, including all children in Statewide Voluntary Preschool Programs (SWVPP) and all preschool children with Individual Education Programs (IEP). This would apply to suspension and expulsion decisions made by SWVPP community partners. Early childhood programs must also review their policies and procedures to ensure they have alternatives and prevention strategies, and they apply exclusionary discipline appropriately and equitably.

To which programs does this apply?

This applies to the following types of entities:

1. Early childhood programs operated by public school districts, including but not limited to SWVPP programs and programs providing early childhood special education (ECSE) services.
2. Early childhood programs operated by other public entities or by private entities who partner with public school districts to operate early childhood programs, such as community partners for SWVPP.

What resources are available to early childhood programs?

A [joint policy statement](#) of expulsion and suspension policies in early childhood settings by the U.S. Department of Health and Human Services and the U.S. Department of Education (July 2020) is publicly available. Recommendations for early childhood programs from the policy statement include:

1. Develop and clearly communicate preventive guidance and discipline practices.
2. Develop and clearly communicate expulsion and suspension policies.
3. Access technical assistance in workforce development to prevent expulsion and suspension.
4. Maintain and review local data on disciplining practices. Set goals and routinely analyze data to assess progress.
5. Make use of free resources to enhance staff training and strengthen family partnerships.

Additional resources include:

- A joint statement from over 30 national organizations, [“Standing Together Against Suspension and Expulsion in Early Childhood: A Joint Statement.”](#) ***The organizations also compiled [resources](#) to help prevent, limit, and eliminate suspension and expulsion.***
- [U.S. Department of Education School Climate and Discipline:](#) Policy and legal guidance related to promoting positive early learning and school climates.
- U.S. Department of Education Office of Special Education and Rehabilitation Services: Dear Colleague letter and [summary](#) on supporting behavior of students with disabilities.
- [U.S. Department of Health and Human Services Administration for Children and Families:](#) Resources for Reducing Suspension and Expulsion Practices in Early Childhood Settings.

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