QUICK GUIDE: Early Childhood Suspension and Expulsion

During the Minnesota 2020 Special legislative session, Minnesota took a significant step toward assuring the success of students by facilitating equitable access to high-quality, developmentally appropriate, and culturally responsive early childhood education programs for preschool-aged children. This document will provide guidance to understand the terms of the 2020 Special Legislative session early childhood amendment to the Pupil Fair Dismissal Act (PFDA) and provide resources for administrators and teachers leading this work. By intentionally building a network of resources that includes partnerships with families, responsive instructional supports, partnerships within the school and community, and regular data review practices, we can avoid the unintended outcomes that are known to exist when young children are dismissed or excluded from early learning programs. By eliminating these practices we ensure the safety, well-being, and success of students.

Overview of Amended Pupil Fair Dismissal Act (PFDA) Legislation

The Minnesota Laws 2020, Chapter 8, Article 5, Section 1 amended the PFDA to include "prohibiting disciplinary dismissals for students in preschool and prekindergarten programs[1] allowing exceptions for expulsions or exclusions *only* when specified nonexclusionary discipline strategies (outlined below) are exhausted *and* there is "an ongoing serious safety threat to the child or others."

Nonexclusionary discipline strategies.
For purposes of this section, nonexclusionary discipline must include at least one of the following:

1. Collaborating with the pupil's family or guardian, child mental health consultant or provider, education specialist, or other community-based support;
2. Creating a plan, written with the parent or guardian, that details the action and support needed for the pupil to fully participate in a preschool or prekindergarten program; or
3. Providing a referral for needed support services, including parenting education, home visits, other supportive education interventions, or, where appropriate, an evaluation to determine if the pupil is eligible for special education services or section 504 services.

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[1] Preschool and prekindergarten programs include: Early Childhood Family Education, School Readiness, School Readiness Plus, Voluntary Prekindergarten, Head Start, or other school-based preschool or prekindergarten programs.

Nonexclusionary Program Policies and Practices that Encourage Student Success

The beginning years of any child's life are critical for building the early foundation of learning, health and wellness needed for success in school and later in life. During these years, children's brains are developing rapidly, influenced by the experiences, both positive and negative, that they share with their families, caregivers, teachers, peers, and in their communities. Learning in a child's early years set the trajectory for the relationships and successes they will experience for the rest of their lives, making it crucial that children's earliest experiences truly foster – and never harm – their development. As such, expulsion and suspension practices in early childhood settings, two stressful and negative experiences young children and their families may encounter in early childhood programs, should be prevented, severely limited, and eventually eliminated. High-quality early childhood programs provide safe and secure learning environments with qualified staff that nurture positive development, and lead to success.

The following sections provide guiding principles synthesized from current suspension and expulsion research that is shared at the end of this document. The key policy, practices, and strategies that are listed support the implementation and continuous improvement of early childhood program practices. Use of the following information will assist in establishing developmentally appropriate, proactive social-emotional, and behavioral health practices, as well as discipline and intervention policies and procedures.

Develop an Understanding of Types and Definitions of Suspension and Expulsion (in-school, out-of-school, soft-expulsion, etc.) Practices*

When beginning to think about suspension and expulsion policies and procedures, there are many types of exclusionary practices to identify and consider:

- **In school/program suspensions** temporarily remove a child from a classroom or from activities that include the other children. The child is sent to some other place in the school/program in response to the exhibited behavior.
- **Short term out-of-program suspensions** remove a child in the short-term by sending them home.
- **Out-of-program suspensions** place restrictions on the time a child may return to the program.
- **"Soft expulsions"** are program practices that encourage families or parents to voluntarily terminate services due to behaviors.
- **Expulsion/Dismissal** dismiss a child from the program permanently in response to problem behavior and provide no additional resource supports to child or family.
- **Supported expulsions** provide transition supports any time a child or family moves from one program to another due to the program's capacity to work with the child and support the needs of the child (i.e. hours of operation, referral services, mental health or therapeutic program or service).

*A statewide team of stakeholders is working to further refine these definitions and provide examples for all early care and education programs.

Develop a Culture that Supports and Communicates Nonexclusionary Positive Guidance Practices

- Work with classroom-teachers and other staff (collectively and individually) to construct and maintain environments that welcome and involve all children. Consider reducing the child to staff ratio by adding staff to a classroom or reducing the class size.
- Focus on program-wide policies that help build a climate of collaboration, problem-solving, and prevention-based approaches. Collaborators should include a wide variety of stakeholders including families or guardians, and education, health, social service, and community professionals.
- Adopt a program-wide social-emotional and behavioral support framework that is shared with everyone. Communicate the recognized developmentally appropriate behaviors, guidance practices including adult language, and strategies that are used to teach young children positive behavioral practices.
- Incorporate a process that includes families for identifying and addressing behavioral challenges through behavioral support plans (see more about this in the next section).
- Support families in obtaining resources that increase the stability of the family and minimize transitions for their children. Form relationships with resource specialists within the district and community such as Head Start resource specialists, county food and housing services, family case workers, and physical and mental health care professionals.

Invest in Workforce Preparation and Development

- Provide professionals access to trainings with ongoing coaching/mentoring to develop a deeper understanding of culturally relevant practices, the role of implicit bias, and tools for self-reflection to identify where bias might be contributing to teacher's unrecognized exclusionary practices.
- Support teachers in addressing needs of individual children by developing tailored behavioral support plans and providing time for staff to meet with family members. The plans should be written in partnership with the parent or guardian, and detail the action and support needed both in the classroom and at home. Supports may include other professionals like early childhood screeners, parent educators, home visitors, or where appropriate, an evaluation to determine of the pupil is eligible for special education services or section 504 services[2]. It is important that key adults work together to consistently offer supports that allow the child to remain in the classroom.
- Provide on-going professional learning opportunities by establishing Communities of Practice or child study teams to identify and strengthen strategies for preventing and addressing challenging behaviors.
- Provide cross-disciplinary activities involving education, social service, and health community practitioners to better inform and integrate their work supporting children and families.
- Support teachers' health and wellness by ensuring they work reasonable hours with breaks, have access to mental health professionals, have the resources they need to teach all children in their programs, and are equitably compensated.

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[2] The use of a program-wide social emotional and behavioral support framework, including the use of a Behavior Support Plan, cannot delay the identification process for preschoolers potentially eligible for special education and related services.

Analyze Data to Assess Progress and Set Goals for Improvement

- Collect and examine data to identify and understand exclusionary practices that have been used within the district such as the number of incident reports, or high rates of absenteeism. Analyze information through multiple filters such as by classroom, gender, race, disability, and frequency.
- Use data from a Kindergarten Entry Profile (KEP) assessment to better understand and identify the child's learning trajectory and needed supports.
- Use data from a teacher-child interaction observation tool (like CLASS or TPOT) to inform needed classroom supports and professional learning topics.
- Set a regular schedule to examine data and set goals to continuously improve your responses and behavior intervention practices for behavior that is viewed as challenging so that children can thrive and be successful students.

Supporting Documents and Resources

- Attendance Works resources: Standing Against Suspension and Expulsion in Early Ed
- The Children's Equity Project Report: Start with Equity From the Early Years to the Early Grades
- Early Childhood Technical Assistance Center (ECTA): Developing Policy and Guidance on Suspension and Expulsion in Early Childhood Programs
- Head Start: Understanding and Eliminating Expulsion in Early Childhood Programs
- Head Start State Capacity Building Center (SCBC): Building a Comprehensive State Strategy to Prevent Expulsion from Early Learning Settings, 2nd Edition
- Iowa Department of Education: Expulsion and Suspension Policies in Early Childhood Classrooms
- Minnesota Department of Education (MDE) Resources:
  - Acknowledging the Role of Implicit Bias as a Barrier to Reaching All Children Webinar Series, Featuring Dr. Rosemarie Allen. This is a five part series available for use for professional learning activities.
  - Supporting Students and Families COVID-19
    - Building Relationships that Support Consistent Attendance
    - COVID-19 Early Childhood Resource Series
- National Center for Pyramid Model Innovations: Suspension and Expulsion in Early Childhood
- Penn State Extension: Expulsion and Suspension—Build a Better Way
- Schachner, A., Belodoff, K., Chen, W-B., Kutaka, T., Fikes, A., Ensign, K., Chow, K., Nguyen, J., & Hardy, J. (2016). Preventing Suspensions and Expulsions in Early Childhood Settings: An Administrator's Guide to Supporting All Children's Success. SRI International: Menlo Park, CA. Accessed from http://preventexpulsion.org https://preventexpulsion.org/
- U.S. Departments of Health and Human Services and Education's Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings.