Early Childhood Discipline Practices in North Carolina

This paper is intended to provide stakeholders a review of the research and findings on early childhood discipline including suspension, expulsion, seclusion and restraint, along with regulatory reporting requirements and stakeholder process which culminated in the recommendation for the development of a guiding.
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Introduction – NC Public Schools Preschool Profile

According to data from the Preschool Handicapped Grant (May 2017) collected from all 115 traditional Local Education Agencies (LEA) in NC, there are over 2,000 preschool classrooms operated by North Carolina’s public schools (See, Figure 1). Funding for preschool programs in the public schools comes from Title 1, NC Pre-K, Exceptional Children, Developmental Day, Head Start administered in the public schools, fee for service and local funds. The age of eligibility begins at age 3 for the Exceptional Children, Developmental Day and some Head Start programs. NC Pre-K and Title I Preschool require children to be 4 by the start of school. The Exceptional Children program must provide a Free and Appropriate Public Education to all children identified as having a disability and must serve eligible children as they become eligible throughout the year, starting at age 3, and are not automatically eligible for funding from NC Pre-K, Title I nor Head Start. NC Pre-K, Title I and Head Start are targeted for “at-risk” populations based on need and is based on availability of funds. According to the December 2017 NC Pre-K Program data report, over 1,100 NC Pre-K classes are operated by the public schools (including Head Start programs administered by the public schools that also receive NC Pre-K funds). Therefore, about 54% of public school preschool classrooms operate under NC Pre-K requirements as administered by the Division of Child Development and Early Education (DCDEE) in the Department and Health and Human Services. In addition, there are 15 school systems that are the grantees for local Head Start programs; and, more school systems house Head Start classes that have outside agencies (i.e., community action agencies) as their grantees.

<table>
<thead>
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<th>Licensure Status</th>
<th>Inclusive Classes</th>
<th>Separate Classes</th>
<th>Total</th>
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</thead>
<tbody>
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<td>Licensed</td>
<td>1,230 (81%)</td>
<td>181 (35%)</td>
<td>1,411 (69%)</td>
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<tr>
<td>Not Licensed</td>
<td>295 (19%)</td>
<td>336 (65%)</td>
<td>631 (31%)</td>
</tr>
<tr>
<td>Total</td>
<td>1,525</td>
<td>517</td>
<td>2,042</td>
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Figure 1. Status of Public School Operated Preschool Classes Data Source-619 Preschool Grant, 2017

Inclusive classrooms are those that contain typically developing children and children with disabilities. Federal requirements mandate that at least 50% of the children in inclusive classroom must not have an Individualized Education Plan (IEP). Separate classes are those that have more than 50% of enrolled children who have a disability. Childcare licensure is a program requirement in NC Pre-K and the Developmental Day programs and is regulated by the DCDEE; however, it is not a requirement for all programs administered by the public schools. To better understand the relationship between the various preschool programs and their child care licensure requirements, please see Appendix A. NC’s childcare licensure process binds the Quality Rating Improvement System (QRIS) with childcare facility, safety and sanitation requirements. The NC QRIS is on a 5-point scale with a 1-star rating identifying those meeting minimal requirements a 5-star, the highest. Over 81% of inclusive classrooms have achieved a 4- or 5-star rating, with 35% of separate self-contained classrooms achieving the same licensure rating. While participating in the QRIS system is a nationally recognized measure of classroom quality, the primary focus is on health, sanitation, and safety with a secondary emphasis on teacher-child interaction. The QRIS system does not measure the implementation of evidenced-based instructional practices which is a goal of public school preschool programs as part of the Multi-Tiered System of Support.

The current profile of preschool programs operated by NC’s public schools depicts the blending of different programs for serving as many at-risk and disabled preschoolers as possible to ensure Kindergarten readiness and promote later school success.
Purpose

The North Carolina Department of Public Instruction (NCDPI) is charged with implementing the state’s public-school laws for pre-kindergarten through 12th grade at the direction of the State Board of Education and the Superintendent of Public Instruction. The task of early childhood program administrators and/or principals in public schools is to be cognizant of the varying program policies, requirements, and rules set forth for child care licensure since DCDEE performs regulatory authority over classrooms voluntarily licensed in public settings. This encompasses over 69% of all public school preschool classes. The dilemma is that existing discipline policies noted in public school law (Article 27) are not always appropriate for children ages 3, 4, and 5 years of age, and do not align with Head Start federal policies nor DCDEE licensing rules (Chapter 9 Child Care Rules, Section. 1800-Discipline) which are based on N.C. General Statutes for Child Care. Clarity is needed through the issuance of an early childhood guiding practices on discipline for public school preschool programs with an additional emphasis on the implementation of evidence-based teaching practices to prevent challenging behaviors and facilitate positive child outcomes in social-emotional development, in addition to ensuring accountability for disciplinary actions for 3-, 4-, and 5-year-old children in public school programs.

This paper will provide a review of the literature on the prevalence and impact of early childhood suspension and expulsion. It will also provide information on discipline policies deemed appropriate for young children under the age of 6 as it pertains to the use of seclusion and restraint. Finally, it will provide an overview of professional development support provided by the Office of Early Learning (OEL) through the NC Early Learning Network (ELN) to the public school preschool staff to prevent suspensions and expulsions, address dangerous behavior, and facilitate social and emotional development in preschool children.

Suspension and Expulsion in Early Childhood Programs

In December of 2014, the US Departments of Education and Health and Human Services issued a joint policy statement on suspension and expulsion policies in early childhood settings (https://www.acf.hhs.gov/sites/default/files/ecd/expulsion_suspension_final.pdf). The recommendations within the policy statement came after an extensive review of the literature, with intention to:

- Raise awareness about exclusionary discipline practices in early childhood settings;
- Bring attention to racial and gender disparities in disciplinary practices;
- Provide information regarding the long-term negative impacts for children who are suspended and expelled from preschool; and
- Make recommendations for states and local programs.

This policy statement followed the January 2014 release of the US Department of Education’s Guiding Principles: A Resources Guide for Improving School Climate and Discipline (https://www2.ed.gov/policy/gen/guid/school-discipline/guiding-principles.pdf), which provided recommendations for reducing expulsion, suspensions, and disciplinary removals in K-12 settings. Those guiding principles included:

- Create positive climates and focus on prevention;
- Develop clear, appropriate, and consistent expectations and consequences to address disruptive student behaviors; and
- Ensure fairness, equity, and continuous improvement.
As stated in the early childhood joint policy statement, "Although early childhood settings differ in context from K-12 settings, the Guiding Principles are applicable to both, such that focusing on prevention; developing and communicating clear behavioral expectations; and ensuring fairness, equity, and continuous improvement can and should be applied across settings where children learn" (p. 2).

The joint policy went on to make the following recommendations to states:

- Clearly communicate expulsion and suspension policies;
- Set goals for improvement and analyze data to assess progress; and
- Invest in workforce preparation and development to prevent suspensions and expulsions.

Beginning in 2013-14, leadership from Office of Early Learning (OEL) chaired the Challenging Behaviors Subcommittee in the NC Pre-K Advisory Committee which was created due to an increase of reported challenging behaviors in the NC Pre-K program and anecdotal reports of children being sent home due to challenging behaviors. Recommendations included:

1) require local NC Pre-K programs to develop and implement a cross sector professional development plan on the NC Foundations for Early Learning and Development; and,
2) require local NC Pre-K programs to develop and implement cross-sector plans addressing challenging behaviors that include steps in the process for responding to short-term crisis situations and addressing the needs of individual children with ongoing, persistent problem behaviors, and to provide training and support for teachers and site administrators on these plans.

In 2015-16, a stakeholder process was initiated at the direction of the DCDEE amongst the cross-sector early childhood programs to provide the DCDEE with recommendations as the Division drafted a policy statement to put in the Child Care Development Fund Plan (reauthorized in 2014) (https://www.acf.hhs.gov/occ/resource/ccdbg-of-2014-plain-language-summary-of-statutory-changes ). Representatives from the OEL and the Policy and Monitoring Section of the Exceptional Children Division were included in this work to ensure alignment with IDEA regulations. The purpose of the policy on early childhood suspension and expulsion was to prevent, reduce, and eliminate suspension and expulsion in early care and education settings. A summary of the stakeholder process can be found in Appendix B. The recommendations for the CCDF policy can be found in Appendix C which were submitted in September of 2016.

In May 2017 the Division of Child Development and Early Education issued their final policy on early childhood suspension and expulsion (see, Appendix D). Recommendations from the early childhood stakeholders on developing a joint policy with the Department of Public Instruction and initiating accountability measures to track suspensions and expulsions were not included in the DCDEE policy on suspensions and expulsions.

In October 2017, the NC Child Care Commission enacted rule 10A NCAC 09. 3017 on Children with Unique Needs and Challenging Behaviors for the NC Pre-K program (Appendix E). This rule also does not require programs to report the number of instances of suspensions and expulsions, however it does reference steps that program site administrators (including public school principals) must follow when a child demonstrates persistent challenging behaviors prior to a suspension or expulsion. No child shall be suspended nor expelled, nor receive less than the 6.5 instructional hours until a coordinated support plan has been in place and the child demonstrates a risk of harm to himself or herself or others.

In November 2017, the US Department of Health and Human Services, Administration for Families and Children, issued a federal policy (Appendix F) on early childhood suspension and expulsion for Head Start and
incorporated guidance into their performance standards (Appendix G) on this topic. Under this policy, expulsion is prohibited, and suspensions must only be temporary in duration and “used as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be reduced or eliminated by the provision of reasonable modifications.”

§ 1302.17

Public schools will be held accountable for reporting suspensions and expulsions of children ages 3 through 5 years of age by the US Department of Education. In January 2017, the US Department of Education enacted regulatory accountability requirements through the issuance of an amendment to the Individuals with Disabilities Education Act (IDEA), called Equity in IDEA (https://sites.ed.gov/idea/files/significant-disproportionality-qa-03-08-17.pdf). Federally, States are required to provide “general supervision” for IDEA by conducting a series of monitoring activities to ensure that they are implementing IDEA according to policy. One requirement is the tracking of disproportionate practices for the: 1) identification, 2) placement, and 3) disciplinary actions for children with disabilities. In the past, states reported data on children 6 through 21 years of age. This new rule now requires states to include data on 3-through 5-year-olds when determining disproportionality in placement and disciplinary action by race. States must begin collecting data on the early childhood age group in 2020 to establish a baseline and report to the federal government in 2022. NC has never collected this data and must now lay the foundation through enhanced suspension and expulsion early childhood policy, professional development, and technical assistance to LEAs to do so. The Office of Early Learning suggests that a state wide public-school policy and accountability requirement be applied to all preschool programs administered by LEAs.

In 2008 the OEL prioritized the need to provide professional development and support for preschool teachers to promote positive social-emotional development and prevent challenging behaviors. The national early childhood model supported by the Office of Child Development, Head Start, and the Office of Special Education Programs, called The Pyramid Model for Social-Emotional Foundations of Early Learning, was adopted. This model promotes increasing teacher’s ability to create early childhood environments that support positive behavior and intentionally teach young children the language, concepts, and problem-solving skills that lead to positive emotional-social outcomes. This has been repeatedly noted throughout the literature as a driving need for the early childhood workforce. Over the past 10 years, this work has grown into what is now called the Targeted Preschool Pyramid Project. This project has utilized implementation science strategies to support LEAs ability to build a sustainable system through professional development, coaching for teachers, and support to leadership teams as they use data to evaluate their teachers and program improvement. This project is also part of the Exceptional Children Division State Systemic Improvement Plan, and data on the project is reported to the Office of Special Education Programs. Most recently, additional cross-division work within the Department of Public Instruction is now bringing this project into the larger MTSS framework.

In January 2018, the OEL conducted its first public school stakeholder meeting with administrators from the LEAs in the Targeted Preschool Pyramid Project on the need to develop a policy on early childhood suspension and expulsion, and to gain input in order to shape such a policy. A second stakeholder meeting was held in May of 2018 in which all public school leaders were invited to review recommendations and provide feedback. Finally, a state-wide informational webinar was delivered in June of 2018 to increase public awareness on the topic.

In November 2016, the NC State Board of Education (SBE) adopted the Whole School, Whole Community, Whole Children model as a framework for supporting the health behaviors and academic performance for
Early Childhood Discipline Practices in North Carolina

The purpose of a proposed policy on early childhood suspensions and expulsions, and its concomitant professional development for staff on supporting positive social-emotional development in preschool children and reduction of challenging behaviors, is to allow the SBE to extend this framework into NC public school administered prekindergarten programs. Such an early childhood policy would address the following SBE priorities around Goal 5—Every student is health, safe, and responsible:

**Chronic Absenteeism, or Suspension from Schools.**

Chronic absenteeism is a significant problem that impacts all school levels in the educational system. Chronically absent students in pre-K and kindergarten are more likely to be absent later in their lives and have lower achievement levels (Connolly, S., and Olson, L.S., 2012). Further, chronic absenteeism is associated with poverty level. Children enrolled in NC public school preschool programs are especially vulnerable since most state funded preschool children live in homes with incomes less than 200% of the federal poverty level, and/or have a disability. Another root cause of chronic absenteeism is suspension. Unknown to many in the K-12 education sector, national research has demonstrated that preschoolers are being expelled from state funded preschool programs at rates more than three times higher than K-12 students (Gilliam, 2005). However, many public-school administrators are unclear about the application of procedures for disciplinary removals of preschool children, and do not recognize them as constituting a suspension. Chronic Absenteeism is not only a SBE objective but is also included in Every Student Succeeds Act (ESSA), and could be included into local school systems plans to help implement professional development that prevents suspensions and expulsions. The establishment of an early childhood policy, and applicable procedures, will provide more clarity for public school administrators on the interpretation of the NC General Statues – Chapter 115C Article 27 on how to interpret and report disciplinary actions for children enrolled in public school preschool programs, ages 3 through 5 years. This will also allow the state to track suspensions and expulsions for the accountability requirements for the SBE and for new federal reporting requirements under the Individuals with Disabilities Education Act (IDEA).

**Create and Maintain Safe and Respectful School Environments**

Providing young children with supportive and intentionally designed instruction to teach them prosocial behavior addresses this SBE goal, and the School-Based Mental Health Initiative (Policy ID: SHLT-003) to address the following in the preschool sector:

1. Universal prevention efforts focus on promoting a socially and emotionally healthy school environment for all students and staff, and
2. Systems of early intervention focus on assisting students who are experiencing issues at school or who are otherwise identified as at risk for mental health issues.

To accomplish these goals, professional development efforts to equip the early childhood public school workforce with skills to promote social-emotional development and supportive environments is needed. In addition, training for public school administrators and relevant program staff is needed to address young children who have persistent challenging behaviors. Existing training provided through the OEL (i.e., Preschool Pyramid Project) can begin to address these needs on a larger scale. By incorporating this project into the Multi-Tiered System of Support (MTSS) for NC Public Schools for preschool will better align efforts with the K-12 system and ensure consistent implementation.
Overview of the Research on Early Childhood Suspension and Expulsion

Twelve years ago, Yale University researchers (Gilliam, 2005) disclosed a startling fact that preschoolers were more likely to be expelled than children in any other grade. In fact, preschoolers were being expelled from state funded preschool programs at rates more than three times higher than K-12 students (Malik, 2017).


Gilliam’s work utilized a teacher survey method that included NC’s newly sprouted More at Four Program. Surveys were sent to 137 NC teachers and 88% of them responded. As the figure shows, North Carolina teachers reported more than 10 expulsions per 1,000 children at that time (2003-2004).

Subsequent national research conducted by the U.S. Department of Education’s Office of Civil Rights (2014) showed that while African American children represented only 18 percent of state funded preschool enrollment, they made up 48 percent of preschoolers receiving multiple out-of-school suspensions. While these numbers are daunting, they only account for a small portion of the overall preschool population. Many 3- and 4-year-olds attend preschool in private programs, which are not required to report suspensions and expulsions (Malik, 2017).

In the first nationally representative survey of preschool discipline that includes private and public preschool programs, the Center for American Progress (CAP) reported that an estimated 50,000 preschoolers were suspended at least once, with another 17,000 estimated to have been expelled. CAP based their analysis on data obtained from the 2016 National Survey of Children’s Health. Across all types of settings, the average school day sees roughly 250 instances of a preschooler being suspended or expelled. The CAP data also showed that black children are 2.2 times more likely to be suspended or expelled than other children, and while boys represent 51 percent of the preschool population, they receive 82 percent of the suspensions and expulsions.

The CAP data analysis supports findings from Gilliam’s (2005) earlier study of consistent patterns of racial discrimination in disciplinary practices in preschool. Gilliam (2005) noted that the three best predictors of preschool expulsion were the three B’s: “big, black, or boy.” That is, teachers are more likely to recommend preschool suspension or expulsion when the child is black, a boy, or physically bigger than his peers.

A recent study conducted at Yale (Gilliam et. al., 2016) corroborated these earlier findings, and identified
implicit racial bias among early childhood educators as a likely source of the disproportionate punishment received by black boys. The researchers defined implicit biases as automatic and unconscious stereotypes that influence judgments and decisions regarding others. They used sophisticated eye-tracking technology to measure eye movements from teachers, who were asked to observe six-minute video clips of preschoolers engaging in traditional classroom activities. Participants were instructed to press the enter key every time they perceived a potential problem behavior. What the teachers did not know was that the videos featured no challenging behavior. Nonetheless, on average, the teachers watched the black boys in the video more closely and sometimes flagged them as displaying challenging behaviors. These findings indicate that many of the underlying causes of preschool discipline may not be rooted in child behavior but rather flaws in adults’ decision-making regardless of the teachers’ race.

Exclusionary discipline practices deprive children of valuable early learning experiences and teach them to believe that there is something wrong with or bad about them. When children are excluded from learning environments through suspension or expulsion, they are at greater risk of disengagement, which in turn leads to diminished educational opportunities. Suspension and expulsion can influence many adverse outcomes across development, health, and education (Schachner, A., et al, 2016). Young children who are expelled or suspended are as much as 10 times more likely to drop out of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration than those who are not (Lamont et al., 2013). Suspension and expulsion practices may also delay or interfere with the process of identifying and addressing underlying issues, which may include disabilities or mental health issues. There is now evidence that expulsion and suspensions during the early childhood years is associated with suspensions and expulsions in later grades (Raffaele, 2003). “Such disproportionate trends promote a preschool to prison pipeline, where young boys and girls are put on the tumultuous track that increases their risk for academic failure, absenteeism, and even incarceration” (Adamu and Hogan, 2015).

Additional research on the effectiveness of types of support systems provided to preschool teachers (Gilliam, 2005) demonstrated that “when teachers are supported with adequate behavioral and mental health consultation and evidence-based training, preschool programs can help young children build crucial social-emotional skills, such as sharing and taking turns, playing games, and coping with a range of emotions.” To affect the “preschool to prison pipeline” Adamu and Hogan (2015) recommended:

- Prohibiting suspensions and expulsions across early childhood settings;
- Improving teacher preparation and education with an eye toward cultural responsiveness and racial equity;
- Expanding access to in-school behavioral and emotional support services, including early childhood mental health consultation, or ECMHC;
- Supporting a diverse teacher workforce and pipeline; and,
- Promoting meaningful family engagement strategies.

The practice of suspending young children from early childhood programs is inherently tied to the lack of teachers’ and administrators’ understanding of developmental progressions young children move along, and how to implement effective teaching practices that help them develop from one stage to another. Young three-and four-year-old children typically do not enter a preschool class understanding their own feelings, the feelings of others, or how to negotiate through conflict (i.e. learning to share). Further, many teachers and administrators do not understand the connection between suspending young children and the impact it has on later success in school and life.
Research has demonstrated that one of the primary predictors of later school success is in a child’s development of social-emotional skills and behavioral regulation. For example, “the likelihood of committing a future crime is significantly influenced by non-cognitive processes in development, such as social empathy, externalizing challenging behavior, and effectively regulating emotions” (Jones, et. A., 2015). Further studies have demonstrated the development of self-control in childhood is predictive of adult outcomes ranging from physical health to crime to substance abuse (Moffit et al., 2011). Jones et. al., (2015) studied the early characteristics of young children that would help to predict future outcomes later in life. They examined kindergarten teachers’ ratings of children’s prosocial skills and then assessed associations with outcomes 13 to 18 years later. They found significant associations between measured social-emotional skills in kindergarten and young adults’ key outcomes across multiple domains of education, employment, criminal activity, substance use, and mental health. The development of social-emotional skills in young children is also considered a “protective factor” against the risk factors that can lead to dropout (Rutter 1985). Protective factors include personal, social, and institutional resources that promote successful development or buffer risk factors that might otherwise compromise development (Rutter, 1985). Thus, there is a connection between high quality early childhood education, facilitation of “school readiness,” and prevention of later dropout.

The Use of Suspension and Expulsion in NC Public School Preschool Programs

According to public school law “suspension” may be imposed when a student willingly engages in conduct that violates a provision of the Code of Student Conduct. Each local board of education is charged with developing its own Code of Student Conduct that notifies students of acceptable standards of behavior, and behavior/conduct that may subject them to discipline, and the range of disciplinary measures that may be used by school officials. A sampling of NC local board developed codes of student conduct include behaviors such as gambling, verbal abuse or disrespect toward staff or students, inappropriate peer behavior, lack of academic integrity (i.e., cheating), conduct which unreasonably impairs the educational process, communicating threats, bulling and/or hazing, extortion, verbal sexual harassment, fighting, robbery, noncompliance, disrespect, tobacco or alcohol use etc. Many of the rules are “leveled, indicating the severity of violation and type of consequence.

For a child to understand a local board of education’s Code of Student Conduct, one must assume that child comprehends the language in the code and what a “rule” means. Further, none of the behaviors reviewed in local board “Codes” were deemed developmentally appropriate for young preschool children. When a young 3-, 4-, or 5-year-old enters the classroom, early childhood teachers are tasked with intentionally teaching children rules and expectations that are appropriate for their given age level. During this period of development, intentional teaching must take place that focuses on the meanings of emotions, understanding the feelings of others, how to self-regulate one’s own emotions and how to problem-solve when conflicts arise. All of this does not discount the fact that some children do exhibit persistent challenging behaviors even in the presence of high quality core instructional practices. According to early childhood behavioral experts (Dunlap, Strain, Fox et al, 2006), a persistent challenging behavior is any repeated pattern of behavior that interferes with or is at risk of interfering with optimal learning or engagement in pro-social interactions with peers and adults that interferes with children’s learning, development, and success at play, is harmful to the child, other children, or adults, puts a child at high risk for later social problems or school failure. Challenging behavior is thus defined based on its effects. Key to this explanation is that challenging behaviors are both “persistent” and effects social relationships and/or learning and development. While some children’s challenging behaviors are developmentally normative (i.e., a child who is developmentally two year of age
biting another child who takes away a toy) and effectively addressed by implementation of differentiated instructional strategies and the use of appropriate guidance procedures, other children need the support of evidence-based practices to prevent and/or address challenging behaviors that are persistent or unresponsive to those approaches. Thus, preschool teachers and administrators need to be equipped with professional development that equips them with the evidence-based practices that addresses persistent challenging behaviors in young children.

What kind of behavior would rise to the level of requiring a suspension for preschool children? The early childhood literature and program policies and rules point to the presence of behavior that poses a serious safety threat. According to the University of Oregon’s program on early childhood de-escalation curriculum that was adopted by the Oregon Department of Education (Safety First Curriculum, 2015), a “dangerous behavior” means behavior that causes serious bodily injury to self and/or others (e.g., physical pain, injury, or tissue damage), or places the child or others at imminent risk of serious injury, which is likely to occur within 3 seconds. Some instances of “dangerous behavior” may only occur once (i.e., running into a parking lot while seeking a parent who just got out of their car) versus a repeated pattern (i.e., running away from a teacher repeatedly without regard to one’s own safety). In such instances, a temporary suspension might be warranted while a school-based team and the family devise a plan to address the behavior and/or seek early childhood mental health consultation.

In NC public school law, a short-term suspension (§115C-391.1(b) (12) is defined as the exclusion of a student from school attendance for disciplinary purposes for up to 10 school days. Current practices would suggest that public school principals and teachers do not view asking parents to pick up their child early from class due to behavioral reasons as a “suspension” since mandatory attendance in not required. Nonetheless, such action is viewed by state and federal programs as a “suspension.” Local districts should be held accountable for such actions. Further, a new federal mandate (IDEA) requires that public school account for instances of such suspensions and report them to the federal government starting in 2022. The Office of Early Learning believes that such accountability should apply to all preschool programs administered by or housed by (e.g., Head Start) the public schools. However, the notion of removing a preschool child for up to 10 days from classroom instruction for behavioral reasons does ensure positive child outcomes, nor address the core purpose of the “at-risk” programs operated by the public schools. In such instances, a young child might prefer to stay at home where the same rules are not enforced, thereby unintentionally reinforcing the dangerous behavior. If public schools align with existing early childhood policies (i.e., Head Start) recommendations would include the severe limitation of the use of suspension. Further, such suspensions should only be temporary in nature and used as a last resort in extraordinary circumstances where dangerous behavior cannot be reduced or eliminated by the provision of an intervention plan or IEP intervention.

Public school law defines long-term suspension (§115C-391.1(b) (7) as exclusion for more than 10 school days from school attendance for disciplinary purposes. Therefore, long-term suspensions are not appropriate for preschool children.

Public school law also defines expulsion (§115C-391.1(b) (5) as the indefinite exclusion of a student from school enrollment for disciplinary purpose. Any action taken to permanently remove children ages 3 through 5 from a preschool class under the regulatory authority of a public school official should be considered an expulsion. Under (§115C-391.11(a), the superintendent of a local board of education may expel any student 14 years of age or older whose continued presence in school constitutes a clear threat to the safety of other students or school staff. Therefore, expulsion of children ages, 3, 4 and 5 years should be prohibited.
The Use of Corporal Punishment, Seclusion, Restraint and Time Out in NC Public School Preschool Programs

According to public school law §115C-391.1(b) (10), seclusion refers to the confinement of a student alone in an enclosed space from which the student is physically prevented from leaving by locking hardware of other means. Isolation §115C-391.1(b)(5) is defined as a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving. Corporal punishment (§115C-390.1(a)(2)) refers to the intentional infliction of physical pain upon the body of a student as a disciplinary measure. Physical Restraint (§115C-390.1(a)(8)) means the use of physical force to restrict the free movement of all or a portion of a student’s body, while “mechanical restraint” restricts freedom of movement using any device or material attached or adjacent to a student’s body. Each of these actions are widely considered to be inappropriate and prohibited for young children by Head Start Standards (1302.90(c)(iii)) and NC Child Care licensing rules (10A NCAC 09.1803). Instead, programs must ensure that staff, consultants, contractors, and volunteers implement positive strategies to support children’s well-being and prevent and address challenging behavior. It is well known that in providing care and educational instruction to young children there will be a need for some physical contact for guiding, directing, prompting or preventing harm. It is normal and natural for an adult to guide or direct a child by gently laying a hand on the child’s shoulder, back or arm, or clasping the child’s hand. It is also normal and natural to briefly hold or hug a child to calm or comfort the child. It may also be, at times, necessary for an adult to hold a child on their lap to maintain the child’s attention or provide support or security for some activities. These are appropriate, supportive physical first responses for young children who need developmentally appropriate physical prompts to support their learning and safety. A physical first response may include gently touching, holding, or physically guiding a child. In the case of imminent harm, an adult may also use his/her body to block a child from exiting an area of safety or entering a dangerous area. This is not considered to be physical restraint. The key difference is that a restraint is against the child’s will; whereas a physical first response is not.

According to school law, “time-out” (§115C-390.1(a) (11)) is defined as a behavior management technique in which a student is separated from other students for limited period of time in a monitored setting. Early childhood brain imaging studies (Siegal and Bryson, 2014) suggest that when time-outs are given in anger, suggesting rejection and isolation, negative neurobiological effects are noted that are comparable to those resulting from physical pain. Time-outs are meant to de-escalate a volatile situation and help children regain control. There’s a difference between time-out given by an adult when she/he is angry versus giving it in a loving, calm way to help support a child as she/he calms and regains control. For this reason, early childhood behavior experts (Center for Social Emotional Founds of Early Learning) (Dunlap, Fox, Hemmeter, Strain, 2004) note that “time-out is only effective when used in the context of a comprehensive approach to behavior support that is designed to teach, nurture, and encourage positive social behaviors. Time-out should be used only by well-trained teachers and caregivers when less intrusive discipline procedures have been tried and deemed unsuccessful and only in combination with positive procedures designed to teach new skills and prevent challenging behaviors from occurring”.

The Need for an NC Early Childhood Guiding Practices on Discipline for NC Public School Preschool Programs

There is current need for guidance from the Department of Public Instruction for local boards of education to establish developmentally appropriate practices and procedures on early childhood discipline. The DCDEE has established both a policy and a rule for NC Pre-K classes on suspension, expulsion, seclusion and restraint that do not currently align with public school law but is developmentally appropriate for young children. Head Start has likewise developed similar policies and performance standards prohibiting expulsion and limiting suspension such that they are “temporary” and can only be enacted after a team has implemented an action...
plan to address the behavior. Early childhood guiding practices on discipline for the public school should align with these policies, rules, and performance standards since they are developmentally appropriate for young children and since the public school currently administer these programs or house these programs within public school facilities.


Based on the federal mandates around early childhood suspensions and expulsions, the research on the importance of early social-emotional development, the vulnerability of the preschool population served in NC, and the recognized need to address an increase in reported challenging behaviors in preschoolers, the NC Office of Early Learning prioritized the need to provide professional development support for teachers and began the NC Preschool Pyramid Project, supported by the state set aside funds from the NC Preschool Handicapped Grant.

The Pyramid Model for Supporting Social Emotional Competence in Infants and Young Children (Fox, Dunlap, Hemmeter, Joseph, & Strain, 2003) is a positive behavioral intervention and support framework early educators can use to promote young children’s emotional and social development and prevent and address challenging behavior. The Pyramid Model practices were identified through a systematic review of the research on classroom promotion, prevention, and intervention practices that have been associated with positive social-emotional outcomes and decreases in challenging behavior in young children with and without disabilities (e.g., Dunlap et al, 2006; Howes & Hamilton, 1993; Walker et al., 1996; Webster-Stratton, Reid, & Hammond, 2001). The research focused on four key instructional elements. The first element is effective instruction for young children (National Research Council, 2001; Burchinal, Vandergrift, Pianta, et al, 2002). The second element is strategies to promote child engagement and appropriate behavior (Chien et al., 2010; Conroy, Brown, & Olive 2008). The third element is the promotion of children’s social skills (Brown, Odom, & McConnell, 2008; Vaughn et al., 2003). The fourth element is the implementation of individualized assessment-based behavior support plans for children with the most severe behavior challenges (Conroy, Dunlap, Clarke, & Alter, 2005; Blair, Fox, & Lentini, 2010; McLaren & Nelson, 2008). A randomized study of the implementation of the Pyramid Model within preschool classrooms for both children with and without disabilities revealed significant improvements in children’s social skills. Targeted children- those with persistent behavioral challenges- showed statistically significant decreases in challenging behavior (Hemmeter, Fox, & Snyder, 2013; Hemmeter, Snyder, Fox, & Algina, 2011).

NC LEA Targeted Preschool Pyramid Project (Targeted Preschool Pyramid Project)

In 2008, North Carolina received a grant from the Center on the Social Emotional Foundations of Early Learning (CSEFEL) and the first cadre of state trainers was established. Johnston County was the first cohort for the NC OEL’s (in conjunction with the NC Exceptional Children Division) social-emotional initiative. Between 2008 and 2012, the NC OEL trained three cohorts of LEAs on the Tier I universal Pyramid content and provided direct coaching to targeted classroom teachers in their implementation of the pyramid practices as measured by the nationally validated fidelity instrument called the Teaching Pyramid Observation Tool (TPOT). The NC OEL also began to develop implementation science-based strategies for LEAs to use to implement the pyramid practices through the development of numerous tools for program assessment and improvement.
In 2012, the NC OEL facilitated the development of an organized professional development system for NC public school preschool programs provided by the NC Early Learning Network (NC ELN: http://nceln.fpg.unc.edu/). The NC ELN provides the needed infrastructure to implement statewide professional development initiatives that provide systematic training on evidence-based practices. The NC ELN project is funded by the NC OEL using IDEA 619 grant state set aside. The NC ELN supports the early childhood workforce by providing evidence-based instructional practices and environments to support all children. Since approximately 75% of preschool classrooms administered by the NC public schools are inclusive (having children with disabilities), and many other children with disabilities are served in non-public childcare programs, it is imperative to equip all teachers with the skills necessary to support the learning of children with disabilities and without disabilities.

Pyramid teaching practices provide teachers with strategies to intentionally build positive relationships with and among children. They do this by creating supportive learning environments and teaching children to understand and express their emotions and use problem solving skills (http://nceln.fpg.unc.edu/sefelresources). The preschool pyramid model aligns with school age Positive Behavior Intervention and Supports (PBIS) and the Multi-Tiered System of Supports (MTSS) initiatives in NC. The preschool pyramid model is made of three tiers of intervention practices: universal promotion for all children, secondary preventions to address the intervention needs for children at risk of social emotional delays, and tertiary interventions needed for children with persistent challenges.

![NC Preschool Pyramid Model](image)

**Figure 2. NC Preschool Pyramid Model**

In the NC Preschool Pyramid, Tier I core teaching practices support young children’s positive outcomes in social-emotional development and prevent challenging behaviors. Professional development for Tier I includes teaching teachers how to develop supportive environments where children are intentionally taught the classroom behavioral expectations, schedules, and rules. In addition, teachers learn how to give developmentally appropriate directions and descriptive feedback to young children who are in the process of learning language. Teachers teach emotional literacy skills that help children understand the language and meaning of their emotions. Through the identification of their emotions, children also receive strategies for
controlling their emotions in appropriate ways. When problems like “sharing toys” arise, teachers introduce and reinforce problem-solving skills to develop their own solutions to address a “conflict.” The language and meaning behind “what is a friend” and “how to be a friend” are intentionally taught. Tier II addresses explicit, targeted instruction with progress monitoring for those children who need extra support and more practice. Tier III covers intensive intervention for those children who are still exhibiting persistent challenging behaviors after all supports at Tiers I and II are in place on a consistent basis. These children will need intensive intervention strategies and documentation of behavior to plan for intervention and support for the child and the teacher. This professional development support for NC’s Targeted Preschool Pyramid Project includes:

1) the State Education Agency (SEA) and ELN providing support to Local Education Agency (LEA) preschool leadership teams as they use implementation science strategies;
2) the SEA and NC ELN providing training to LEA trainers and coaches; and,
3) the SEA and NC ELN providing guidance and technical assistance with implementation accountability using coach, teacher, and child outcome data.

Social and Emotional Foundations for Early Learning (SEFEL) Implementation Sites

![Diagram of North Carolina showing districts and counties participating in SEFEL implementation.]

Figure 3. 2017-18 Targeted Preschool Pyramid Projects

As of January 2018, there are 39 LEAs in the Targeted Preschool Pyramid Project, at various stages of implementation (see, Figure 3).

When LEAs agree to enter the project, they ensure that they will identify a leadership team that will develop an implementation plan, evaluate that plan using a practice profile, implement a program assessment tool, and report data on the implementation process to the NC OEL. As indicated in the implementation plan, designated LEA coaches provide support to classroom teachers to implement the practices with fidelity. Coaches receive a series of trainings from the NC ELN on the coaching process, and must reach fidelity in administering the teacher fidelity measure, the TPOT. Coaches utilize an on-line coaching log, which allows the NC OEL to capture data on the teacher’s fidelity on the TPOT and provides coaches with feedback about which teaching practices they are coaching.
The NC Targeted Preschool Pyramid Project is included in the NC Exceptional Children Division’s State Systemic Improvement Plan (SSIP) logic model and theory of action with the measurable goal being to increase the graduation rate for the five-year cohort of students with disabilities in NC. Program goals for the Exceptional Children Division’s SSIP include:
1) increase the number of LEAs who enroll in the Targeted Preschool Pyramid Project;
2) increase the percentage of teachers in the Targeted Preschool Pyramid Project that demonstrate fidelity in the implementation of the targeted teaching practices as measured by the TPOT;
3) measure the effects of coaching as demonstrated by a comparison of the pre-and-post Teaching Pyramid Observation Tool (TPOT) scores;
4) measure the effects in child growth in social-emotional development by class for teachers who are being coached or have established fidelity of implementation;
5) measure the scale-up of professional development on the NC Social-Emotional Foundations for Early Learning and Development to teachers not in the Targeted Preschool Pyramid Project.

Results – Data from 2016-17 for each of these objectives indicates the following:

Objective: Increase the number of LEAs enrolled in the Targeted Preschool Pyramid Project:

<table>
<thead>
<tr>
<th>Time frame</th>
<th>7/1/12 6/30/13</th>
<th>7/1/13 6/30/14</th>
<th>7/1/14 6/30/15</th>
<th>7/1/15 6/30/16</th>
<th>7/1/16 6/30/17</th>
<th>7/1/17 6/30/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Number</td>
<td>14</td>
<td>27</td>
<td>29</td>
<td>27</td>
<td>34</td>
<td>39</td>
</tr>
<tr>
<td>Percent</td>
<td>12%</td>
<td>23%</td>
<td>25%</td>
<td>23%</td>
<td>30%</td>
<td>34%</td>
</tr>
</tbody>
</table>

Figure 4. Percent of traditional LEAs in Preschool Pyramid Project

In the 2015-16 school year, there were 27 out of 115 traditional LEAs enrolled in the project (23%); in 2016-17, participation grew to 30% (34 out of 115 LEAs). In the 2017-18 school year, this amount grew to 39 out of 115 LEAs (34%). As new LEAs are on-boarded, they spend the first year in the installation stage of implementation and the second year is initial implementation. LEAs do not report data on teacher and child performance until coaches complete the coaching training series provided by NC ELN and begin coaching teachers using the fidelity observation tool (TPOT). Coaching usually begins in third year of implementation.
Objective: Increase the percentage of teachers in the Targeted Preschool Pyramid Project that demonstrate fidelity in the implementation of the targeted teaching practices as measured by the TPOT:

<table>
<thead>
<tr>
<th>Teaching Pyramid Observation Tools</th>
<th>2015-16</th>
<th>2016-17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of classes in LEAs in the Preschool Pyramid Project</td>
<td>688</td>
<td>700</td>
</tr>
<tr>
<td>Total number of teachers who have reached fidelity on the TPOT</td>
<td>190</td>
<td>203</td>
</tr>
<tr>
<td>Percent of classrooms with teachers who have reached fidelity on the TPOT</td>
<td>28%</td>
<td>29%</td>
</tr>
</tbody>
</table>

Figure 5. Percent of traditional LEAs in Preschool Pyramid Project

In the 2015-16 school year, there were 688 classes operated by the Targeted Preschool Pyramid Project with approximately 168 of the teachers at fidelity (28%). In 2016-2017, there were approximately 700 classes operated by the project LEAs, with 203 of the teachers at fidelity (29%). Teacher turnover rates appear to make this target particularly challenging from year-to-year for some of the larger LEAs. Nonetheless, with overall average class size at 15 children, this represents the percent of teachers at fidelity serving approximately 3,045 children.

Measure the effects of coaching as demonstrated by a comparison of the pre-and-post Teaching Pyramid Observation Tool (TPOT) scores:

Figure 6. Pre-and-post TPOT box and whisker plots

Pre-and-post TPOT scores were collected for 67 teachers receiving coaching during the 2016-17 school year. All of the coaches had completed a three-course training program delivered by the state and had demonstrated fidelity in the administration of the TPOT. In some cases, coaches collected pre-TPOT data during 2015-16, as many teachers take up to 18 months to reach fidelity. The above box and whisker plot depicts the pre-TPOT scores in blue, and the post-TPOT scores in orange. In each box, the median marks the
mid-point of the data and is shown by the line that divides the box into two parts. Fifty percent of the data fell within each box. The upper and lower “whiskers”, or lines outside the boxes, represent scores outside the middle 50%. The orange dots below the whisker indicate individual teachers whose post-TPOT scores were significantly below the middle 50% (i.e., outliers).

The median scores for the pre-TPOT (blue) were more than 20 points lower than the median scores for the post-TPOT (orange). Further, the pre-TPOT box (blue) was comparatively taller than the post-TPOT box. The difference in the size of the box plots shows the effects of coaching around the evidence based teaching practices. When teachers begin the process of implementing these skills, they demonstrate much greater variance in the implementation of their skills (blue box plot). After coaching, the teachers were of uniformly higher quality, resulting in less TPOT score variance.

**Measure the effects in child growth in social-emotional development by class:**

Most of the LEAs in the Targeted Preschool Pyramid Project utilize the Teaching Strategies Gold (TS Gold) online curriculum assessment tool to report child progress throughout the year. One particularly helpful report that administrators can extract from this system is the measurement of the growth by child and by class for each of the developmental domains. To avoid collecting personally identifiable information on children, the NC ELN collected data on overall improvement scores in social-emotional development by class for teachers.

In 2016-17, child outcome data for improvement scores in the development of social-emotional skills were collected from children from 71 classes (approximately 1,065 children). The mean score was then compared to the Teaching Strategies Gold (TS Gold) normative data. Like teachers in the normative study, each teacher in the NC Targeted Preschool Pyramid Project passed the inter-rater reliability TS Gold system training and test. In addition, each teacher in the NC Targeted Preschool Project received training on 11 modules of the *NC Foundations- Effective Teaching Practices for Social-Emotional Development* (pyramid practices). Furthermore, all reporting teachers either: 1) reached fidelity on the TPOT (80% with no red flags), or 2) received an observation using the TPOT and were in the process of receiving mindful, practice-based coaching around these practices.

Some differences must be noted when interpreting the differences in improvement scores for children in this population of the NC Targeted Preschool Pyramid Project and the children in TS Gold normative study. First, the NC Preschool Pyramid Project teachers are all licensed with the NC Birth through Kindergarten teaching certificate (or preschool add-on) and received teacher training on effective practices promoting social-emotional development while teachers from the TS Gold normative sample teachers did not receive training on the Tier I (core) teaching practices. Further, the NC teachers in the NC Targeted Preschool Pyramid Project received coaching on the implementation of those teaching practices. Additional differences between these two sets of data focus on the children. The TS Gold normative sample of over 81,000 children include the national population of children attending center-based preschools. The NC sample, on the other hand, consists of inclusive and self-contained classrooms in the state of NC whose teachers received coaching on implementing social and emotional teaching practices. Thus, a significant percentage of the children in these classrooms possess special needs that preclude normative functioning without modifications. Additionally, students with excessive absences or who joined classrooms late in the year were excluded from the TS Gold norm sample but not the NC Targeted Preschool Pyramid Project. Both excessive absences and high mobility are associated with less progress on developmental outcomes such as the ones measured here. Taken together, we would predict that the NC sample should show smaller gains than their counterparts in the TSG norm sample. However, the opposite was actually the case. Children in the NC Targeted Preschool Pyramid Project sample made greater progress over the course of a year (mean Δ score = 18.47) than their
counterparts in the national sample (mean Δ score = 14.94). Comparing the sample to the norm sample via a two-tailed z-test suggests that the NC sample made significantly greater progress (p < .0001). As noted before, the difference here is the opposite of the expected direction based on the composition of the sample, suggesting that the efficacy of the sample teachers in promoting social-emotional gains might have been larger had the norm sample been more closely matched.

Statewide Spread of the Pyramid Content and Cross-Sector Collaboration

During the facilitation of the NC Targeted Preschool Pyramid Project, the OEL set another goal in 2014: To provide the pyramid training content to all LEAs. While the NC Targeted Preschool Pyramid Project requires LEAs to provide coaching and teacher fidelity measures, LEAs not in the targeted project do not have that requirement. Still, the OEL wanted to increase access to the training content on NC Foundations- Effective Teaching Practices for Social-Emotional Development to those LEAs not involved in the project. This would also increase an LEA’s “readiness” to later becoming part of the targeted project.

The Center for Social Emotional Foundations of Early Learning (CSEFEL) pyramid training content formed the basis for the state’s rollout of the professional development for the revised early learning standards (NC Foundations for Early Learning and Development -- [http://modules.nceln.fpg.unc.edu/foundations/module-intro](http://modules.nceln.fpg.unc.edu/foundations/module-intro)) with an emphasis on the emotional-social domain of development. During this phase, the NC ELN converted each of the CSEFEL training modules provided by the National Center for Social Emotional Foundations of Early Learning and:

1. developed teacher self-assessment check lists for each evidence based practice;
2. developed guides for administrators that outlined which NC Professional Teaching Standard and NC Foundations for Early Learning Development (child standards) that linked to each instructional practice;
3. developed pre-and post-learning activities meant to help teachers transfer practices into the classroom; and,
4. developed a video library of NC teachers demonstrating the instructional practices.

Aligning the Tier I universal instructional practices with the NC Professional Teaching Standards helps administrators to link the instructional practices for social and emotional development to the NC teacher evaluation process. Teacher self-assessment and administrator observer checklists provide a level of accountability and can be used in individual teacher professional development plans in the absence of coaching to fidelity on the TPOT.

The NC ELN provided statewide training to LEA trainers for FFY 2013-14, 2014-15, and 2015-16. The train-the-trainer materials were then converted to online modules in December 2016 ([http://modules.nceln.fpg.unc.edu/trainer-modules](http://modules.nceln.fpg.unc.edu/trainer-modules)). Cross-sector participants included trainers from Head Start, NC Pre-K, Smart Start, and Title I preschool. These 11 modules include an overview of the NC early learning standards (Foundations) and best practices on formative assessment in the classroom. In addition, they include Tier I universal teaching practices in the Pyramid Model.

Once NC ELN conducted train-the-trainer sessions, data was then collected from LEAs on the number of LEA program staff they trained. It takes between 18 to 24 months for an LEA to complete the entire training to teaching staff as it is prescribed. While many systems completed the initial training in a face-to-face format, there was need to provide on-line training for new teaching staff, and teacher assistants, as they were hired by the LEA.
Through additional collaboration between the NC OEL, NC ELN, and the NC Division of Child Development and Early Education (DCDEE), these modules were incorporated in their Moodle system to make the content available to early educators working in private childcare programs. Data from that system are not available at this time. However, the state preschool program (NC Pre-K), administrated by DCDEE, made a requirement that all staff begin the training in the 2016-17 school year to address the uptick in reported challenging behaviors. Since the state Pre-K program is a mixed private/public delivery system, the NC ELN, supported by the OEL, assisted in providing training to public school staff, and 141 non-public school NC Pre-K teachers. The Early Educator Support Licensure and Professional Development (EESLPD) unit in the NC Pre-K program delivered a combination of on-line and face-to-face training to most licensed teachers (n= 586) working in the non-public sector (modules 1-6). This work is continuing during the 2017-18 school to ensure teaching staff complete the entire 11 module training program.

Figure 7. December 2017 Impact Survey Results on Number of Staff Trained

The NC ELN conducted a statewide public-school impact survey in the fall of 2017 (43% response rate) which indicated that traditional school systems and the EESLPD unit conducted the training using a combination of face-to-face and/or on-line approaches to the training, with percentages noted in Figure 8. Based on survey results from previous years, combined with the 2016-17 survey results, approximately 29 out of the 115 traditional LEAs have not delivered this training content (25%) to their staff.
Targeted Social Emotional Supports- Responding to Challenging Behaviors and Adjusting Instructional Practices

![Bar Chart](image)

**Figure 8. Gilliam (2005). Access to Support Associated with Decreased Expulsion Rates**

Previous research (Gilliam, 2005) looked at supports provided to teachers and site-based administrators, and analyzed how those supports influenced suspension rates. As noted in Figure 8, when teaching staff do not have access to supports from behavioral experts or when no coordinated plan is in place to provide support, children are more likely to be expelled.

Many early childhood programs do not have processes for addressing challenging behavior but simply respond to each situation in ways that often are not systematic or successful. In these cases, teachers report not feeling supported, not knowing how to get help, and feeling frustrated not only with the child but also with the lack of support (Quesenberry & Hemmeter, 2005). Administrators often report frustration because of the frequency with which they are called to “help out” in a classroom or to take a child out of the classroom when things are “out of control” (Quesenberry & Hemmeter, 2005). Having a well-articulated plan for addressing challenging behavior will increase the likelihood that effective supports will be accessible to teachers as needed.

The program-wide implementation plan addressing problem behaviors should include a process for how the program will respond to problem behavior. This should include a plan for responding to short-term crisis situations (e.g., a child is “out of control” in a classroom) and addressing the needs of individual children with ongoing, persistent problem behavior.

The challenge for early childhood programs in NC public schools is that many classrooms are located in elementary schools where there may be only one preschool class per building. In some districts, early childhood behavior specialists can respond to individual teacher requests from the central office who may not have knowledge of early childhood development. Often, the principal has to assist in the management of persistent challenging behaviors. The dilemma is the paucity of training for principals and early childhood support staff to address needed strategies for Tier II support for children.
In 2016-17, a district wide plan for addressing challenging behavior was included into the NC Preschool Pyramid Project. Initial instructions outlined the recommended components of the plan; however, LEAs in the project struggled with this objective. In 2017-18, a template was developed to help guide the development of their plans. This work is currently underway. Such a plan could provide needed guidance on the problem-solving team process for preschool programs as they implement MTSS for behavior.

In 2016-17, NC ELN, supported by the NC OEL, began developing training modules Tier II supports and developed train-the-trainer materials, which included supports and tools to develop an overall program plan for responding when a child exhibits challenging behaviors and how to evaluate the situation to put supportive second tier supports in place. This training content was piloted in the summer of 2017 and the final training content was delivered to the Preschool Pyramid Project LEAs in the fall of 2017. Content includes:

1) introduction for Program Administrators and Coaches on the key components of an overall program plan to respond to challenging behaviors and information on escalation/de-escalation cycle of behavior in young children;
2) information, including research and statistics, on implicit bias;
3) information on how to be mindful when communicating with families about challenging behavior;
4) examples of data collection tools and description of a problem-solving process for initiating Tier II supports;
5) instruction on how to develop a precision problem behavior statement to help the educator focus on the identified behavior and possible solutions;
6) guidance on how to choose and implement instructional strategies to target the identified challenging behavior; and,
7) instruction on how to evaluate the effectiveness of implemented Tier II support strategies.

In 2017-18, the NC OEL identified the need to develop additional Tier II (supplemental) supports for teachers and administrators on how to de-escalate dangerous behavior in young children when they arise. House Bill 1032 requires all public-school teachers to be trained in de-escalation strategies; however, the current available training is geared primarily toward the K-12 age range. The NC OEL identified a curriculum developed by the trainers at the University of Oregon, who also were initial developers of the early childhood pyramid model that the NC Preschool Pyramid Project was based on. The curriculum titled “Safety First” was built to provide supplemental support when the universal teaching practices are in place. Trainers from Oregon came to NC in the spring of 2018 and trained state level trainers. Behavior consultants from the Integrated Academic and Behavior Division who are also certified trainers in de-escalation strategies for school-aged children also participated. This content is now being adapted for NC and will be provided to trainers and coaches in the NC Preschool Pyramid Project in the summer of 2018 in its initial roll-out. Training for Tier III (intensive) supports will be implemented in 2018-2019.
Toxic Stress and the Effects on Early Childhood Development and Behavior

Policy makers must consider the implications for suspension and expulsion of young children from preschool programs who may be exhibiting persistent challenging behavior in the classroom and look beyond the behavior to identify other circumstances that might also factor into the child’s behavior. Child development is driven by an ongoing interaction between biology (i.e., genetic predispositions) and ecology (i.e., by the social and physical environment.) Recent research has documented the complex relationships among adverse childhood circumstances, toxic stress and its impact on the developing child brain architecture. This, in turn, may result in poor learning and behavior outcomes, as well as poor physical and mental health well into adulthood. If a young child who is exhibiting persistent challenging behaviors is also experiencing toxic stress in the absence of protective factors provided in the home, then removing him/her from the classroom is also removing him/her from the protective buffer that well equipped early childhood teachers should be providing to the child. (National Scientific Council on the Developing Child).

The National Scientific Council on the Developing Child identified three distinct types of stress responses in young children: positive, tolerable and toxic. A positive stress response refers to a physiological state that is brief and mild to moderate in magnitude. When a caring and responsive adult helps the child cope with a stressor, the adult is providing a “protective” effective that helps the child deal with the stress and return to a calm emotional/mental state in which he/she can learn and play. When buffered by a stable and supportive environment, positive stress responses can promote normal development. A tolerable stress response is associated with nonnormative experiences that pose greater adversity or threat. Examples might include, death of a family member, a serious illness or injury, a contentious divorce, a natural disaster, or a threat of terrorism. When a young child experiences any of these in the presence of supportive adults, the risk that the circumstance will result in reduced health and learning is lessened since the excessive activation of the stress response system is buffered. The key feature that makes this form of stress response tolerable is the extent to which the adult can facilitate the child’s adaptive coping and sense of control. The third from of stress response, toxic stress, is the most dangerous. It can result from strong, frequent, or prolonged activation of the child stress response in the absence of the protection of a support adult relationship (Shonkoff, 2010). According to the Adverse Childhood Experiences Study (Felita, Anda, Nordenberg, et al., 1998) these stressors might include child abuse or neglect, parental substance abuse, and maternal depression.

The lifelong costs of childhood toxic stress are enormous, as manifested in adverse impacts on learning, behavior, and health, and effective early childhood interventions provide critical opportunities to prevent these undesirable outcomes and generate large economic returns for all of society (Shonkoff and Garner, 2012). Preschool programs operated under the regulatory authority of the public schools should be included in the LEA plan (beginning in 2020) for mental health and substance use as described in the school mental health initiative. Resources on early childhood mental health consultation identified in this plan should be readily available to early childhood problem-solving teams working with families and child in need of this support.
Conclusion

Recent research on the prevalence and impact of suspensions and expulsions of young children from early childhood settings, and legislatively mandated accountability requirements, have established the need for the NC Department of Public Instruction to develop a new early childhood guiding practices on suspension and expulsion. Such guidance should apply to all preschool children being served in public school programs. The Department is well positioned to implement such practices since related professional development resources and technical assistance are already developed and provided through the NC Preschool Pyramid Project. Newly developed professional development resources on supplemental and intensive supports using a Multi-Tiered System of Support framework can also be adapted for future professional development for principals and administrators to better equip them to respond to children with challenging behaviors in a developmentally appropriate manner so that absenteeism due to suspensions may be reduced.

Recommendations for such guiding practices must be mindful of existing policies and rules on the same subject from the Division of Child Development and Early Education since they have regulatory oversight of approximately 69% of preschool classrooms in the public schools. In addition, public school guiding practices must also be inclusive of the federal policy issued by the Administration for Children and Families as it applies to Head Start programs since those same some public schools in North Carolina administer or house Head Start classes. However, the public school guidance should have higher standards for accountability than the DCDEE policy due to federal reporting requirements for public school programs. Further, the existing professional resources should be strategically implemented to both teachers and administrators so that universal, supplemental, and intensive supports may be provided to all preschool children in the public schools.

References


Appendix A

Public School Preschool Programs and Child Care Licensure Requirement

PUBLIC SCHOOL PRESCHOOL PROGRAMS
NC G.S. – Chapter 115C – Elementary & Secondary Education

Exceptional Children
- Overview: program provides services to children, ages 3-5, with identified disabilities.
- Administration: US Department of Education (Federal), NCDPI (State)

Private Pay
- Overview: program design varies locally; often operated to generate funding and serve children not eligible for other program types.
- Administration: Local Education Agencies
- Laws & Policies: Local Board of Education Policies

Title I
- Overview: program is designed to improve cognitive, health, and social-emotional outcomes for children birth-five (w/most LEAs in NC focusing on 4-year-olds) exhibiting the highest academic need (as identified through multi-criteria selection process).
- Administration: US Department of Education (ESEA/ESSA)
- Laws & Policies: ESEA/Title I; Title I Preschool Non-Regulatory Guidance; Title I Pre-K NC Standards & Procedures

Developmental Day
- Overview: program provides specialized services to children who are diagnosed with developmental delays or developmental disabilities.
- Administration: NC Department of Health & Human Services, Division of Child Development and Early Education (Program); NCDPI (Funding)
- Laws & Policies: 10A NCAC 9 .2900 Developmental Day Services; Developmental Day Center Funds – Procedures and Instructions

Head Start
- Overview: Head Start programs promote school readiness of children from low-income families by supporting their development through comprehensive services.
- Administration: Administration for Children & Families/Office of Head Start
- Laws & Policies: Head Start Program Performance Standards

NC Pre-K
- Overview: program is designed to provide high-quality educational experiences to enhance school readiness for at-risk (i.e. low income, identified disabilities, Limited English Proficiency, etc.) four-year-old children.
- Administration: NCDHHS, Division of Child Development and Early Education
- Laws & Policies: 10A NCAC 9 .3000 NC Pre-Kindergarten Services

Subsidized Childcare
- Overview: program uses state and federal funds to provide subsidized child care services (e.g. vouchers) to eligible families.
- Administration: NCDHHS, Division of Childhood Development and Early Education
- Laws & Policies: 10A NCAC 10 Subsidized Child Care Rules
APPENDIX B

Early Childhood Stakeholder Process for Developing Recommendations to the Division of Child Development and Early Education for a Suspension and Expulsion Policy

Leadership within the Division of Child Development and Early Education requested that the NC Early Learning Network and the Office of Early Learning assist in facilitating a stakeholder process to develop recommendations for NC’s plan to address suspension and expulsions in preschool programs, as required by the Child Care Development Fund plan. Previously, these same leaders have chaired a subcommittee of the NC Pre-K Program for addressing challenging behaviors. The following steps were taken:

1. May 25, 2016- Statewide webinar: Informational session on why the topic of suspension and expulsion in early childhood is important, review of the literature, the joint position statement by DHHS and the USDA, and the requirements on states developing plan based on the re-authorization of the Child Care Development Block Grant (2014).
2. August 9, 2016- Statewide webinar: Propose a draft policy with some suggested procedures and resources
3. Statewide Survey- The proposed draft policy was broken into sections, and participants were asked to respond to each section. In addition, participants were asked to respond to proposed procedures and needed resources in order to implement the policy
4. August 19, 2016- Presentation of revised policy based on feedback received from survey results
5. Statewide Survey- The proposed second draft policy was again broken into sections, and participants were asked to respond to each section.
6. August 29, 2016- Face-to-face meeting at DCDEE to gain final input on draft policy.
7. September 6, 2016- Recommendations to DCDEE for policy submitted
8. May, 2017- DCDEE posts final policy

http://ncchildcare.nc.gov/PDF_forms/DCDEE_Suspension_and_Expulsion_Policy.pdf
APPENDIX C
North Carolina Child Care Development Fund Plan
Recommended Policy on Early Childhood Suspension and Expulsion

Background

According to the US Department of Health of Human Services’ and the US Department of Education’s Joint Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings (2014), data released over the past decade have shown high rates of expulsion and suspension in early childhood programs, with variability in rate depending on the setting. Data also indicate that specific groups of children are being disproportionally expelled and suspended from their early learning settings. Recent data from the US Department of Education Office for Civil Rights (2014) indicate that while African-American children make up 18% of preschool enrollment in state-funded programs, they constitute 48% of preschoolers suspended more than once. Across race and ethnicity groups, boys represent 54% of the preschool population, yet they make up 82% of children suspended multiple times. Girls who are black, Native Hawaiian, or other Pacific Islander represent 30% or more of out-of-school suspensions -- a larger percentage than girls within any other racial or ethnic group. Research demonstrating similar disparities in school-age children noted that potential contributors may include uneven or biased implementation of disciplinary policies and the lack of self-reflective teaching strategies to identify and correct potential biases in perceptions and practice.

Teachers and support staff are the most critical ingredients of high-quality early learning programs. To that end, ensuring that the early childhood workforce is adequately trained, supported, and prepared to help all children excel is a key strategy in eventually eliminating early suspension and expulsion.

This policy on early childhood suspension and expulsion applies to all early childhood programs in North Carolina, regardless of funding sources. The North Carolina Departments of Health and Human Services (DHHS) and Public Instruction (DPI) have regulatory authority for the administration of programs for children birth through five, and therefore are responsible for the implementation and enforcement of this policy. To reduce duplication of regulatory efforts, a joint Memorandum of Agreement will be developed after the necessary rule making actions within DHHS, and amendments to current public school law within DPI, have taken place.

Definitions

The following are the definitions for the key terms in this policy statement. While these are recognized definitions of suspension and expulsion, the purpose of this policy statement is to severely limit suspensions without a supportive plan to decrease a child’s challenging behaviors and to ultimately eliminate expulsion. Challenging behaviors will be defined as part of Procedures (to be developed).

Suspension

Suspension should be used only for persistent challenging behaviors. Suspension occurs when a child is temporarily removed from his/her assigned early childhood classroom/setting for disciplinary purposes. An administrative decision to reduce the length of the program day for disciplinary purposes is considered to be a suspension and should only be used: 1) as a temporary step to decrease the frequency of the challenging behavior with the plan to increase the child’s participation to the appropriate level of program participation, and/or 2) prior to determining the need to transition a child to another program.
Expulsion:
Expulsion is the action taken by a program permanently dismissing a child from his/her early childhood classroom/setting for disciplinary purposes. Expulsion should be used only as a last resort – when there are extraordinary circumstances where there is a determination of a serious safety threat that cannot be reduced with reasonable modifications.

Policy Statement
It is the intent of the North Carolina Department of Health and Human Services (DHHS) and the North Carolina Department of Public Instruction (DPI) to severely limit suspensions without a supportive plan to decrease a child’s challenging behaviors and to ultimately eliminate expulsion in early childhood programs serving children birth through five years of age in North Carolina.

Early childhood programs must submit data to the state on the number of suspensions and expulsions. Data shall be reported so that it may be disaggregated by challenging behaviors, gender, race, ethnicity, primary language, and disability. In the event of a suspension, programs must submit documentation with evidence that every effort was made to maintain the child’s placement including, but not limited to, implementing evidence based practices to prevent challenging behaviors, consultation with the family, and consultation with available experts.

The Division of Child Development and Early Education (DCDEE at DHHS) and the Office of Early Learning (OEL at DPI) will collaborate on the development of appropriate procedures and the collection of data, as agreed upon in a Memorandum of Agreement, and issue a joint report each year.

Each early childhood program must develop and implement a written plan on how the program will prevent or severely reduce the need for suspension and expulsion. The plan must ensure that families have access to appropriate resources and supports to maintain their child’s placement in the program. At a minimum, the plan must include documentation that:

1) evidence-based instructional practices to prevent/address challenging behavior will be implemented in the program,
2) families will be given the opportunity to discuss their child’s challenging behaviors, including options other than suspension and expulsion,
3) families will be provided information on child development, as well as resources about referrals for screening and evaluation if a child is suspected of having health, social-emotional, developmental delays or a disability,
4) a network of available community resources will be established for program staff and families, and
5) procedures to prevent and respond to challenging behaviors will be outlined for classroom staff and administrators.

When a child with an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) exhibits persistent challenging behaviors, special considerations must be enacted due to procedural safeguards and due process rights ensured under the Individuals with Disabilities Education Act (IDEA), Parts C and B. For children age birth to three years with an IFSP, the child’s Early Intervention Service Coordinator must be contacted to facilitate the development of a plan to address the behaviors in question. For children ages three through five with an IEP who exhibit persistent challenging behaviors, early childhood programs must communicate with the school district’s special education program about the behavior as soon as the
concern arises. Required documentation must be maintained as to the attempts to address the behaviors and alternate placement plans developed to ensure continuation of special education and related services.

**Early childhood program suspension documentation**

Documentation is required if/when the number of hours a child is removed from a program adds up to the equivalent of two days. Documentation must provide evidence that the program has made every effort to maintain the child’s placement. See Appendix for suggested steps to include in Procedures.
Appendix D
Division of Child Development and Early Education Suspension and Expulsion Policy Statement

Purpose

It is the intent of the Division of Child Development and Early Education (DCDEE) to severely limit suspensions and expulsions in early childhood education programs serving children birth-through-five years of age in North Carolina. According to the US Department of Health of Human Services and the US Department of Education’s Joint Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings (2014), data released over the past decade have shown high rates of expulsion and suspension in early childhood programs, with variability in rate depending on the setting. Suspension and expulsion can impact many adverse outcomes across development, health, and education.

Teachers, administrators and support staff are the most critical ingredients of high-quality early learning programs. To that end, ensuring that the early childhood education workforce is adequately trained, supported, and prepared to help all children excel is a key strategy in eventually eliminating early suspension and expulsion. Early childhood education programs are responsible for creating positive climates focus on prevention, develop clear, appropriate, and consistent expectations and consequences to address challenging behaviors, and ensure fairness, equity, and continuous improvement to support children’s social, emotional behavioral health.

Guidance for Prevention of Suspension and Expulsion

It is recommended that early childhood programs focus on fostering social-emotional development, appropriately responding to challenging behaviors by incorporating preventive guidance, discipline practices and policies before ever considering suspension from early childhood programs. Program discipline procedures can provide specific guidance on addressing challenging behaviors, including specific teacher responses, communication with families and consulting with early childhood mental health specialists and/or Healthy Social Behavioral Initiative specialists through the Child Care Resource & Referral, Smart Start network, Children’s Developmental Services Agencies, county mental or social services agencies, or other community partner agencies.

Early childhood programs are encouraged to document and provide evidence that every effort has been made to maintain the child’s placement including, but not limited to, implementing evidence-based practices to prevent challenging behaviors. Such practices include the Center on the Social Emotional Foundations for Early Learning (CSEFEL) Pyramid Model, ongoing communication with the family, and consultation with early childhood mental health specialists, Healthy Social Behavioral Initiative specialists or other child development experts.

According to the National Center for Children in Poverty, approximately four to six percent of preschoolers have serious emotional and behavioral disorders that require evaluation by a licensed professional specialist or therapist. Expulsion should occur only as a last resort in extraordinary circumstances where there is a determination of a serious safety threat, significant concerns about the child’s development and the program’s capacity to address the child’s developmental needs. Documentation is recommended with evidence that all possible interventions and supports
recommended by the early childhood mental health specialist, Healthy Social Behavioral Initiative specialists or another child development expert were implemented. Programs are encouraged to assist with transitioning the child and family into an alternative early childhood education placement that is prepared to appropriately support the developmental needs of the child.

Definitions

Suspension - the temporary removal of a child from the assigned early childhood setting for disciplinary purposes.

Expulsion - the permanent dismissal of child from the assigned early childhood setting for disciplinary purposes.

Recommendations

1. Early childhood programs should consider adopting specific policies and procedures to limit suspension and expulsion of young children from early childhood education programs.

2. Early childhood programs should consider disseminating written policies and procedures to parents and families in a timely and efficient manner.

3. Early childhood programs can implement evidence-based practices to prevent challenging behavior including, consultation with the family, and consultation with early childhood mental health specialists, behavioral consultants, and licensed therapists.

4. Each early childhood program should consider documenting its efforts to prevent and reduce problem behaviors. This includes teacher observation to identify what may be triggering the behavior, planning and recording instructional modifications, implementing differentiated strategies, and documenting daily progress made by the child or additional modifications needed as well as other resources.

Children with Unique Needs and Challenging Behaviors

Early childhood programs are responsible for creating environments that promote children’s social, emotional, and behavioral health. According to the U.S. Department of Health and Human Services early childhood prevention and discipline practices should be used as learning opportunities to guide children’s appropriate behavioral development.

The following outlines developmentally appropriate social, emotional, and behavioral health promotion practices in the early childhood and child care environment.

1. Forming strong supporting, nurturing relationships with children and families including valuing of cultural diversity.

2. Reinforcing children’s desired behavior and implementing logical, non-punitive consequences for challenging behavior that are consistent and developmentally appropriate.

3. Paying distinct attention to the developmental appropriateness of both behavioral expectations and consequences for challenging behavior, given the substantial developmental and experiential differences among children birth-through-age five.
Serving Children with Disabilities

When a child with an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) exhibits persistent challenging behaviors, special considerations are enacted due to procedural safeguards and due process rights ensured under the Individuals with Disabilities Education Act (IDEA), Parts C and B. Documentation may be required by the IFSP or IEP as to the attempts to address the behaviors and alternate placement plans developed to ensure continuation of special education and related services.

1. For children age birth-to-three years of age with an IFSP, the child’s Early Intervention Service Coordinator must be contacted to facilitate the development of a plan to address the behaviors in question.

2. For children ages three-through-five with an IEP who exhibit persistent challenging behaviors, early childhood programs must communicate with the school district’s special education program about the behavior as soon as the concern arises.

3. Teachers shall maintain continuous collaboration with the specialist(s) working with the child. Discuss strategies implemented in the classroom and seek additional research based effective practices to support the child with or without an Individualized Education Plan (IEP).

Resources


Appendix E

10A NCAC 09 .3017 CHILDREN WITH UNIQUE NEEDS AND CHALLENGING BEHAVIORS

(a) For purposes of this Rule, “challenging behavior” shall mean any repeated pattern of behavior, or perception of behavior, that interferes with or is at risk of interfering with optimal learning or engagement in pro-social interactions with peers and adults that interferes with children’s learning, development, and success at play, is harmful to the child, other children, or adults, that put a child at high risk for later social problems or school failure (http://challengingbehavior.fmhi.usf.edu/explore/glossary.htm).

(b) When a child demonstrates challenging behaviors that prevent his or her progress in any developmental domain as referenced in the "North Carolina Foundations for Early Learning and Development" impeding the child’s access to and participation in the assigned NC Pre-K classroom learning activities, the following shall apply:

(1) The Site Administrator shall notify the NC Pre-K Contract Administrator and the local school system’s Preschool Exceptional Children Program for assistance if a child's cognitive, language and communication, emotional, social, health and physical needs exceed the program’s capacity to address as indicated by one or more of the following: (A) developmental needs assessments; (B) home visits; (C) consultations with the family members; (D) daily recorded classroom teacher observations; and (E) modified instructional plans and differentiated lessons based on the child’s individual goals.

(2) The NC Pre-K Contract Administrator, Site Administrator, teacher, and family members in consultation with the school system’s Preschool Exceptional Children Program and other available community and state resources, such as Birth-through Kindergarten licensed mentors, evaluators, Healthy Social Behavioral specialists, child care health consultants, mental health specialists, social workers, and other local child developmental experts, shall develop a coordinated support plan to support the NC Pre-K child’s placement and participation in the NC Pre-K Program.

(3) The Division of Child Development and Early Education shall be notified when support plans recommended by the local school system’s Exceptional Children Program require an alternative placement and support services for a child.

(4) A site administrator shall not suspend or expel a child from a NC Pre-K Program until the site administrator has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph.

(5) Unless the operator determines the child poses a risk of harm to himself or herself or others, and has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph, no child shall receive less than the 6.5-hour NC Pre-K day. Risk of harm to oneself or others includes: (A) physical aggression such as hitting, kicking, punching, spitting, throwing objects pinching, pushing, and biting; (B) destroying property; (C) tantrum behaviors that might include behaviors such as kicking, screaming, pushing an object or person, stomping feet, or head banging; (D) verbal aggression including yelling, threats, and screaming; (E) persistent or prolonged crying that is loud or disruptive or crying that interferes with the child’s engagement in activities; and (F) touching other children’s private areas, and removing clothing from themselves or others.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); Eff. October 1, 2017
Appendix F

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<td>2. Issuance Date: 11/07/2016</td>
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<td>4. Key Words: Head Start; Expulsion and Suspension; Social, Emotional, and Behavioral Development</td>
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INFORMATION MEMORANDUM

To: Head Start and Early Head Start Grantees and Delegates, and Other Interested Parties

Subject: Expulsion and Suspension Policy Statement

References:

- Improving Head Start for School Readiness Act of 2007
- Head Start Program Performance Standards (2016)
- U.S. Departments of Health and Human Services and Education Policy Statement on Expulsion and Suspension in Early Childhood Settings (2014)\(^1\)

Purpose:

This Information Memorandum highlights new requirements in the Head Start Program Performance Standards related to expulsion and suspension. It also encourages Head Start grantees and delegates to adopt practices set forth in the Policy Statement on Expulsion and Suspension in Early Childhood Settings issued by the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Education (ED). Appendices 1 and 2 offer free resources grantees can use in their implementation efforts.

Background:

The Head Start Program Performance Standards (2016) prohibit programs from expelling or un-enrolling children from Head Start because of a child’s behavior in 45 CFR §1302.17. These Standards also require programs to prohibit or severely limit the use of suspension due to a child’s behavior. Programs are required to partner with families, consult with specialists, help the child and family obtain additional services as appropriate, and take all possible steps to ensure the child’s successful participation in the program.

Aligned with the Head Start Program Performance Standards, HHS and ED released a joint policy statement with state and local recommendations to address expulsion and suspension in early learning settings, including in Head Start programs. The policy statement affirms the Departments’ efforts to prevent and eventually eliminate expulsion and suspension in all early childhood settings and support young children’s social, emotional, and behavioral development. The policy statement also provides information about resources that are available at no cost to programs.

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Neuroscientists agree that the first five years of a child’s life are critical for building the foundation of learning, health, and wellness needed for success in school and later in life. While access to high-quality early learning can have important benefits on children’s development and learning, expulsion and suspension from such programs can have detrimental effects, particularly on children’s social and emotional development and learning outcomes. Expulsion and suspension are stressful and negative experiences for children, their families, and their teachers and can negatively affect child development and outcomes. Research indicates that expulsion and suspension early in a child’s life predicts expulsion and suspension later in school. Children who are expelled or suspended from school are as much as 10 times more likely to drop out of high school, experience academic failure, hold negative school attitudes, and face incarceration than those who were never suspended or expelled.

Furthermore, data consistently show racial disparities in expulsion and suspension. For example, recent data from ED’s Office of Civil Rights indicate that African-American boys make up 19 percent of preschool enrollment, but 45 percent of preschoolers suspended. African-American girls represent 20 percent of female preschool enrollment, but 54 percent of female preschoolers suspended.²

Though each case is different, suspensions and expulsions may be products of misguided or absent policies and/or insufficient training and support services for staff, especially in managing challenging behavior, recognizing trauma, and promoting social and emotional development. Research indicates that disparities in these practices may be influenced by implicit biases, uneven implementation of discipline policies, and under-resourced, inadequate education and training for teachers, especially in self-reflective strategies to identify and correct potential biases in perceptions and practice.

Guidance:

Aligned with the new requirements on expulsion and suspension found at [45 CFR §1302.17] of the Head Start Program Performance Standards, grantees are encouraged to implement the following recommendations included in the HHS and ED federal policy statement. A brief summary of program-level recommendations is below, but we urge grantees to [read the Policy Statement on Expulsion and Suspension in Early Childhood Settings] in its entirety.

1. **Develop and Clearly Communicate Preventive Guidance and Discipline Practices:** Programs should establish developmentally appropriate social, emotional, and behavioral health promotion practices, as well as discipline and intervention procedures. These practices and procedures should be clearly communicated to all staff, families, and community partners, and implemented consistently and without bias or discrimination. Preventive and discipline practices should be used as learning opportunities to guide children’s appropriate behavioral development, and distinct attention should be paid to the developmental appropriateness of both behavioral expectations and consequences for challenging behavior.

2. **Develop and Clearly Communicate Expulsion and Suspension Policies:** Head Start grantees and delegates are required to implement expulsion and suspension policies consistent with the Head Start Program Performance Standards at [45 CFR §1302.17] such that expulsions are prohibited and suspensions are prohibited or severely restricted.

3. **Access Technical Assistance and Workforce Development to Prevent Expulsion and Suspension:** All program staff should have a strong set of skills to support children’s social, emotional, and behavioral development. Programs should also ensure that teachers have support from specialists or consultants, such as early childhood mental health consultants, behavioral coaches, school counselors, or special educators. Head Start programs should also promote teacher health and wellness and ensure that teachers work reasonable hours with breaks and have access to social services, health, and mental health supports, as needed.

4. **Set Goals for Improvement and Analyze Data to Assess Progress:** Programs should set goals to optimally support children’s social, emotional, and behavioral development, monitor

²U.S. Department of Education Office for Civil Rights (2016). A First Look: Key data highlights on equity and opportunity gaps in our nation’s public schools.
data to assess progress, and modify their practices and investment, as needed, to reach their goals.

5. **Access Free Resources to Develop and Scale Best Practices**: Programs should access free resources to assist in eliminating suspensions and expulsions in early childhood settings. The Administration for Children and Families' (ACF) new [Training and Technical Assistance System](#) provides resources and training on a variety of issues, including those related to suspension and expulsion; children’s health and well-being; and development, teaching, and learning. Many of those resources can be found on the [Early Childhood Learning](#) Knowledge Center (ECLKC) website. Additional resources to support children’s social and emotional development can also be found at the [Center on the Social and Emotional Foundation for Early Learning](#) and at the [Technical Assistance Center on Social Emotional Intervention](#) websites. The HHS-funded [Center of Excellence for Infant and Early Childhood Mental Health Consultation](#) website will offer a comprehensive toolkit on building early childhood mental health consultation systems in the fall of 2016. Appendices 1 and 2 provide several free resources that programs and families can access to address expulsion and suspension practices.

Please contact your Office of Head Start Regional Office for more information.

/ Blanca E. Enriquez /

Blanca E. Enriquez
Director
Office of Head Start
1302.17 Suspension and expulsion.

(a) Limitations on suspension.

(1) A program must prohibit or severely limit the use of suspension due to a child’s behavior. Such suspensions may only be temporary in nature.

(2) A temporary suspension must be used only as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be reduced or eliminated by the provision of reasonable modifications.

(3) Before a program determines whether a temporary suspension is necessary, a program must engage with a mental health consultant, collaborate with the parents, and utilize appropriate community resources – such as behavior coaches, psychologists, other appropriate specialists, or other resources – as needed, to determine no other reasonable option is appropriate.

(4) If a temporary suspension is deemed necessary, a program must help the child return to full participation in all program activities as quickly as possible while ensuring child safety by:

   (i) Continuing to engage with the parents and a mental health consultant, and continuing to utilize appropriate community resources;

   (ii) Developing a written plan to document the action and supports needed;

   (iii) Providing services that include home visits; and,

   (iv) Determining whether a referral to a local agency responsible for implementing IDEA is appropriate.

(b) Prohibition on expulsion.

(1) A program cannot expel or unenroll a child from Head Start because of a child’s behavior.

(2) When a child exhibits persistent and serious challenging behaviors, a program must explore all possible steps and document all steps taken to address such problems, and facilitate the child’s safe participation in the program. Such steps must include, at a minimum, engaging a mental health consultant, considering the appropriateness of providing appropriate services and supports under section 504 of the Rehabilitation Act to ensure that the child who satisfies the definition of disability in 29 U.S.C. §705(9)(b) of the Rehabilitation Act is not excluded from the program on the basis of disability, and consulting with the parents and the child’s teacher, and:

   (i) If the child has an individualized family service plan (IFSP) or individualized education program (IEP), the program must consult with the agency responsible for the IFSP or IEP to ensure the child receives the needed support services; or,

   (ii) If the child does not have an IFSP or IEP, the program must collaborate, with parental consent, with the local agency responsible for implementing IDEA to determine the child’s eligibility for services.

(3) If, after a program has explored all possible steps and documented all steps taken as described in paragraph (b)(2) of this section, a program, in consultation with the parents, the child’s teacher, the agency responsible for implementing IDEA (if applicable), and the mental health consultant, determines that the child’s continued enrollment presents a continued serious safety threat to the child or other enrolled children and determines the program is not the most appropriate placement for the child, the program must work with such entities to directly facilitate the transition of the child to a more appropriate placement.