

# How Federal, State and Local Regulations, Policies and New Training Opportunities Can Reduce and Eliminate Suspension and Expulsion and Address Challenging Behaviors in Early Childhood Settings in New York

A number of federal, state and local regulations, policies and guidance statements inform policymakers and the professionals who work with young children about requirements and expectations to reduce and eliminate the use of suspensions and expulsions of children from birth to age eight. There is also a growing body of professional development opportunities related to social and emotional skill building. This brief provides child care, Head Start and Pre-Kindergarten programs and others with information about how to:

1. Identify federal and New York State requirements to severely limit and/or prohibit the use of suspensions and expulsions and to address children's social, emotional and behavioral health and strengthen relationships with families.
2. Raise awareness about suspension and expulsion in early childhood settings, including issues of racial, ethnic and gender disparities and negative outcomes associated with suspension and expulsion in the early years.
3. Highlight early childhood workforce competencies and evidence-based interventions and approaches that provide alternatives to expulsion and suspension, including the implementation of the Pyramid Model.

*In New York State, on average, one in six early care programs reported suspending or expelling children under 5 years old during 2016.<sup>1</sup>*

*Nationwide, prekindergarten programs are **three times** more likely to expel young learners than students in grades K-12 combined.<sup>2</sup>*



## Suspension and expulsion of young children are concerning because they...

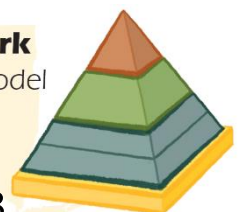
- Remove young children from the early learning environments that contribute to healthy development and academic success.
- Have a negative impact on the child's social and emotional development.
- Do not positively change or improve a child's behavior.
- Give young children a negative first impression of early care and education settings.
- Miss an opportunity to identify and address the possible causes of challenging behavior.
- Disproportionately impact boys, children of color, and children with special needs.
- Increase stress at home because parents/caregivers may not have access to alternative care or may face financial difficulties due to taking time off or losing their job when their child is suspended or expelled.<sup>3</sup>
- Often lead to involvement in the juvenile justice system later in life.



**Council on Children  
and Families**

New York State Pyramid Model Leadership Team Brief – July 2018

**New York  
Pyramid Model  
State**



*“If you have a preschool program and you expel the children who need it the most, you're sabotaging your rate of return. No child is more in need of school-readiness-boosting preschool experience than a child who is being expelled or suspended from preschool. ... **We would never send a child home because that child was struggling at reading. We would never send a child home if that child was struggling with math. Why would we send a child home for struggling with social-emotional skills?**”*

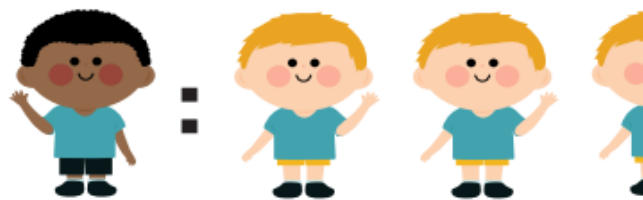
– Walter S. Gilliam, PhD, Yale University Child Study Center



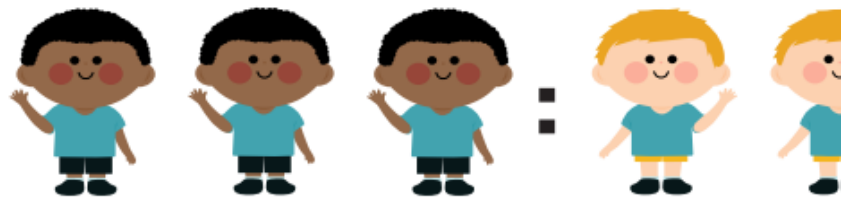
Preschool Enrollment

## Racial Inequities in School Discipline

Black students, especially boys are disproportionately more likely than their white peers to face multiple suspensions from preschool.



Multiple suspensions



Disproportionate preschool suspensions are the result of adult behaviors.

- They arise from **implicit racial biases** which impact teacher expectations (Gilliam et al., 2016).
- Pre-school suspensions contribute to **loss of vital school time** that contributes to the achievement gap and can begin students on a negative school trajectory (Losen, et al., 2015).
- Young students 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; Petraset al., 2011).

FPG RACE Committee: <http://go.unc.edu/RacialEquity>

- ✓ Boys receive more than three out of four preschool suspensions.<sup>4</sup>
- ✓ African-American children are 2.2 times more likely to be suspended or expelled than their white peers.<sup>5</sup>
- ✓ Hispanic and African-American boys combined represent 46% of all boys in preschool, but 66% of the preschool suspensions.<sup>6</sup>
- ✓ Preschool children with disabilities and/or social and emotional challenges comprise 13% of early childhood populations, yet 75% of suspensions and expulsions.<sup>7</sup>

## Federal Requirements Limiting Suspension and Expulsion of Young Children

### Prekindergarten Programs

In 2014, the U.S. Department of Education and the U.S. Department of Health and Human Services issued a joint policy statement on suspension and expulsion in early childhood settings to support families, early childhood programs, and states by providing recommendations to prevent and severely limit suspension and expulsion practices in early childhood settings.<sup>8</sup> Specific recommendations included:

- Developing a roadmap for ending pre-kindergarten suspension and expulsion and using data to assess progress.
- Investing in workforce preparation and development, implementing early childhood mental health consultation (ECMHC), and adopting a statewide positive behavioral intervention and support (PBIS) framework.
- Establishing and implementing policies regarding program quality (e.g., group sizes, child/adult ratios, developmentally appropriate curricula, access to accommodations and supports).
- Accessing free resources to develop and scale best practices. (Many free resources are listed at the end of this document.)

*To read the joint federal statement on early childhood expulsion and suspension policies by the U.S. Department of Education and Department of Health and Human Services, visit:*  
<https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>

### Child Care Programs

Under the Child Care and Development Block Grant (CCDBG) Act, states must comply with several new requirements, including:

1. Devoting a portion of their funds to at least one of the recommended quality improvement activities such as “including effective behavior management strategies and training, including positive behavior interventions and support models, that promote positive social and emotional development and reduce challenging behaviors, including reducing expulsions of preschool-aged children for such behaviors”; and
2. Disseminating consumer education information to parents, the public, and child care providers, which may include information about social and emotional development and supports and suspension and expulsion policies.

*See the section on pages 4 and 5 that discuss New York State Office of Children and Family Services’ regulations, policies and practices to learn about how New York State is meeting the new CCDBG requirements.*

*To read the Child Care Development Block Grant Act, visit:*  
<https://www.gpo.gov/fdsys/pkg/BILLS-113s1086eah/pdf/BILLS-113s1086eah.pdf>



### Head Start Programs

Head Start programs must prohibit or severely limit the use of suspension due to a child’s behavior. Such suspensions may only be temporary in nature and must be 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. In addition, Head Start programs are encouraged to adopt practices set forth in the joint policy statement on suspension and expulsion in early childhood settings issued by the U.S. Department of Health and Human Services and the U.S. Department of Education (mentioned above). Head Start programs cannot expel or unenroll a child because of their behavior.

*To read the Head Start Performance Standards policy and relevant regulation on suspensions and expulsions, visit:*  
<https://eclkc.ohs.acf.hhs.gov/policy/45-cfr-chap-xiii/1302-17-suspension-expulsion>  
<https://eclkc.ohs.acf.hhs.gov/policy/im/acf-im-hs-16-01>



## New York's Response to Suspension and Expulsion of Young Children and Support for Addressing Challenging Behaviors

New York State educators, advocates and leaders are committed to supporting young children's positive behavior and social and emotional development. The initiatives below highlight this shared commitment to both nurture social and emotional development and foster early learning and development.

### **New York State Education Department Field Advisory: Suspension and Expulsion of Preschool Children**

This Advisory sets forth the New York State Board of Regents' goal of eliminating suspensions and expulsions for children in both regular and special education preschool programs by the 2017-2018 school year. The Advisory also provides information on federal and state policies to:

- Limit/eliminate the suspension and expulsion of preschool children.
- Ensure that a child's early learning experiences build a positive early foundation to nurture learning and development.
- Ensure that challenging behaviors exhibited by preschool children are addressed in the context of a comprehensive approach to behavior support that is designed to build relationships and teach and encourage positive social behaviors.

For more information on NYSED's memorandum to eliminate suspensions and expulsions, visit:

<http://www.p12.nysed.gov/specialed/publications/2015-memos/preschool-suspensions-expulsions-memo-july-2015.html>



### **New York City Guidance on Suspensions and Expulsions**

In New York City, the New York City Department of Education and the Administration for Children's Services issued a joint guidance prohibiting suspension and expulsion in early care and education programs in New York City. To support this guidance, **Thrive NYC** has been a springboard for early care and education agencies to promote children's social and emotional well-being by providing seven early childhood mental health clinics and on-site Early Childhood Mental Health Consultation. NYC is training early childhood teachers, administrators and staff to address early childhood trauma in child care settings through the use of early childhood mental health consultation.



For more information on the NYC guidance on suspensions and expulsions and Thrive NYC, visit:

[http://schools.nyc.gov/NR/rdonlyres/0C9C8A8A-3FE4-4F7D-A880-DD3D86B3C94D/0/StatementonPositiveBehaviorGuidance.pdf?sm\\_au=iVVJt7PNZMH2Z4rP](http://schools.nyc.gov/NR/rdonlyres/0C9C8A8A-3FE4-4F7D-A880-DD3D86B3C94D/0/StatementonPositiveBehaviorGuidance.pdf?sm_au=iVVJt7PNZMH2Z4rP)

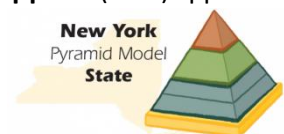
### **Guidance and Professional Development Opportunities and Strategies**

The Pyramid Model is an approach to build relationships, teach social skills and address challenging behavior before it starts. At the state level, under the leadership of the New York State Council on Children and Families, agencies including the New York State Education Department, the New York State Office of Children and Family Services, the New York State Office of Mental Health, the Head Start Collaboration Office, the Governor's Early Childhood Advisory Council, Early Care and Learning Council, the New York Association for the Education of Young Children, and many others, have partnered to invest in the **Pyramid Model to Support Social and Emotional Competence in Infants and Young Children**. The Pyramid Model is currently being implementing in 40+ programs across New York.

For more information on the Pyramid Model, visit: <http://www.nysecac.org/ecac-initiatives/pyramid-model/>

The Pyramid Model aligns with the school-wide **Positive Behavioral Interventions and Supports (PBIS)** approach that NYSED widely promotes to create and maintain positive school climates.

For more information on PBIS, visit: <http://www.nyspbis.org/>



# New York's Response to Suspension and Expulsion of Young Children and Support for Addressing Challenging Behaviors

## **New York State Office of Children and Family Services' (OCFS) regulations related to behavior guidance and social and emotional development**

New York State OCFS regulations provide behavior guidance and address related social and emotional development of children, including requiring programs to promote self-esteem and help children develop self-control with clear and consistent limits appropriate to their age and development. OCFS also had adopted a number of promising practices, including providing training and professional development opportunities on guiding children's behavior, social and emotional health, and partnering with families. OCFS offers free, online e-learnings and funding to pay for professional development and on-site coaching through the Educational Incentive Program (EIP). As of March 2018, Preschool ePyramid Modules also are approved for distance learning and can be paid for with EIP funds for those who qualify.

*For more information on OCFS child care regulations and available trainings, visit:*

[https://ocfs.ny.gov/main/childcare/daycare\\_regulations.asp](https://ocfs.ny.gov/main/childcare/daycare_regulations.asp)

<https://www.ecetp.pdp.albany.edu/eip.shtm>

<https://nyworksforchildren.org/aspire/go/>



**Office of Children  
and Family Services**

## **Joint Early Intervention Coordinating Council and Early Childhood Advisory Council Guidance on Social and Emotional Development**

This guidance on social and emotional development was written to reach the wide variety of professionals who touch the lives of infants and toddlers and their families across the broad array of early childhood programs and services. These programs include the Early Intervention Program for infants and toddlers with disabilities, early education, child welfare, health and mental health care, home visiting and other kinds of child and family supportive services provided to very young children and their families. This document includes identifying and addressing concerns and specific steps these primary referral sources can take.



To read the guidance, *Meeting the Social-Emotional Development Needs of Infants and Toddlers*, visit:

<https://www.health.ny.gov/publications/4226.pdf>

## **Early Learning and Development Standards**

- NYSED developed the New York State Prekindergarten Foundation for the Common Core. This tool addresses five essential early learning domains: (1) approaches to learning; (2) language and literacy; (3) cognition and general knowledge; (4) social and emotional development; and (5) physical well-being. In the social and emotional domain, there are specific indicators for children's competence related to self-concept and self-awareness, self-regulation, relationships with others, adaptability and accountability.
- The Early Childhood Advisory Council with its partners created and disseminated the New York State Early Learning Guidelines to complement and coordinate with existing standards. These Guidelines are designed to help all early childhood professionals, including students, directors, teachers, and providers, better understand the developmental continuum for children. Specifically, the Guidelines identify developmental milestones for children from birth to age 5 and provide strategies to help teachers and caregivers bridge their knowledge of child development to practice.

*For more information on NYS Prekindergarten Foundation for the Common Core and the Early Learning Guidelines, visit:*

[http://www.p12.nysed.gov/ciai/common\\_core\\_standards/pdfdocs/nyslsprek.pdf](http://www.p12.nysed.gov/ciai/common_core_standards/pdfdocs/nyslsprek.pdf)

<http://ccf.ny.gov/files/7813/8177/1285/ELG.pdf>



To coordinate the multiple standards and documents, the Council on Children and Families published the *New York State Early Learning Alignment Crosswalk*, which can be found at: [http://ccf.ny.gov/files/6514/7914/1456/NEW\\_2016\\_NYS\\_Early\\_Learning\\_Alignment\\_Crosswalk.pdf](http://ccf.ny.gov/files/6514/7914/1456/NEW_2016_NYS_Early_Learning_Alignment_Crosswalk.pdf)



# Resources to Support Social and Emotional Development in Young Children

## General Resources

- Center for Early Childhood Mental Health Consultation: <https://www.ecmhc.org/>.
- Early Childhood Learning Knowledge Center: <https://eclkc.ohs.acf.hhs.gov/>. Website includes an expulsion and suspension policy statement for Administration for Children and Families' Training and Technical Assistance System: <https://www.acf.hhs.gov/eecd/interagency-projects/ece-technical-assistance>.
- National Center for Pyramid Model Innovations: <http://challengingbehavior.cbcs.usf.edu/> (previously CSEFEL & TACSEI).
- National Center on Early Childhood Health and Wellness: <http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/health>.
- “Preventing Suspensions and Expulsions in Early Childhood Settings: A Program Leader’s Guide to Supporting All Children’s Success”: <http://preventexpulsion.org/>.
- The Office of Child Care’s (OCC) Child Care State Capacity Building Center (SCBC)’s: [\*Building a Comprehensive State Policy Strategy to Prevent Expulsion from Early Learning Settings\*](#).
- “10 Components of High Quality Child Care for Infants and Toddlers”: <https://www.childdevelopmentcouncil.org/resources/10-components-of-infant-and-toddler-care/>.



## Universal Developmental and Behavioral Screenings

- Birth to 5: Watch Me Thrive!: <http://www.acf.hhs.gov/programs/eecd/child-health-development/watch-me-thrive>.
- Learn the Signs. Act Early. <http://www.cdc.gov/ncbddd/actearly/index.html>.
- Watch Me! Celebrating Milestones and Sharing Concerns. <http://www.cdc.gov/ncbddd/watchmetraining/index.html>.

## Forming Strong Relationships with Parents and Families

- Family and Provider/Teacher Relationship Quality Measures: Updated User’s Manual: <https://www.acf.hhs.gov/opre/resource/family-and-provider-teacher-relationship-quality-measures-users-manual>.
- National Association for the Education of Young Children: Family Engagement: <https://www.naeyc.org/resources/topics/family-engagement>.
- National Center on Parent, Family, and Community Engagement: <https://childcareta.acf.hhs.gov/centers/national-center-parent-family-and-community-engagement>.



# Resources to Support Social and Emotional Development in Young Children

## **Cultural and Linguistic Responsiveness**

- “Building Culturally Linguistically Competent Services to Support Young Children, Their Families, and School Readiness,” Annie E. Casey Foundation, May 2004: [http://www.aecf.org/m/resourcedoc/AECF-BuildingCulturallyLinguisticallyCompetentServices\\_2004.pdf](http://www.aecf.org/m/resourcedoc/AECF-BuildingCulturallyLinguisticallyCompetentServices_2004.pdf).
- “Making National Data Local: Using American FactFinder to Describe Local Hispanic Communities,” by Marta Alvira-Hammond and Elizabeth Wildsmith, June 2016: <https://www.childtrends.org/wp-content/uploads/2016/06/Making-National-Data-Local-FINAL-reduced.pdf>.
- “Resource Guide: Building a Bright Future for All: Success in Early Learning Programs and Elementary School for Immigrant Families,” U.S. Department of Education, January 2017: <https://www2.ed.gov/about/overview/focus/early-learning-teacher-and-parent-resource-guide.pdf>.
- “Supporting the School Readiness and Success of Young African American Boys Project: Reflections on a Culturally Responsive Strength-Based Approach,” U.S. Department of Health and Human Services, Administration for Children and Families, Office of Head Start, by the National Center on Cultural and Linguistic Responsiveness: <https://eclkc.ohs.acf.hhs.gov/sites/default/files/pdf/young-african-american-boys-project-guide.pdf>.



## **Partnering with Community Service Providers**

- Association of University Centers on Disabilities: <https://www.aucd.org//directory/directory.cfm?program=UCEDD>.
- Birth to 5: Watch me Thrive! A Community Guide for Developmental and Behavioral Screening: [https://www.acf.hhs.gov/sites/default/files/ecd/communities\\_guide\\_march2014.pdf](https://www.acf.hhs.gov/sites/default/files/ecd/communities_guide_march2014.pdf).
- Early Childhood Technical Assistance Center: <http://ectacenter.org/>.
- Infant Early Childhood Mental Health Consultation and Your Program: <https://eclkc.ohs.acf.hhs.gov/mental-health/article/infant-early-childhood-mental-health-consultation-your-program>.
- Legacy for Children™ Parenting Intervention: <https://www.cdc.gov/ncbddd/childdevelopment/legacy.html>.

## **Staff Wellness**

- Promoting Staff and Family Well-Being: <https://eclkc.ohs.acf.hhs.gov/mental-health/article/promoting-staff-family-well-being>.



## Sources

- <sup>1</sup> “Building System Capacity in New York to Support Children’s Social-Emotional Development,” New York State Council on Children and Families, May 2016.  
[http://www.nysecac.org/files/7014/6297/0725/Child\\_Care\\_Dismissal\\_Survey\\_May2016.pdf](http://www.nysecac.org/files/7014/6297/0725/Child_Care_Dismissal_Survey_May2016.pdf)
- <sup>2</sup> Gilliam, Walter, PhD, “Early Childhood Expulsions and Suspensions Undermine Our Nation’s Most Promising Agency of Opportunity and Justice,” Robert Wood Johnson Foundation Issue Brief, September 2016.  
[https://www.rwjf.org/content/dam/farm/reports/issue\\_briefs/2016/rwjf431300/subassets/rwjf431300\\_2](https://www.rwjf.org/content/dam/farm/reports/issue_briefs/2016/rwjf431300/subassets/rwjf431300_2)
- <sup>3</sup> “Understanding and Eliminating Expulsion in Early Childhood Programs,” National Center on Early Childhood Health and Wellness.” <https://eclkc.ohs.acf.hhs.gov/sites/default/files/pdf/understanding-eliminating-expulsion-early-childhood-factsheet.pdf>
- <sup>4</sup> “Civil Rights Data Collection: A First Look: Key Data Highlights on Equity and Opportunity Gaps in our Nation’s Public Schools,” U.S. Department of Education Office of Civil Rights, October 2016.  
<https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>
- <sup>5</sup> “New Data Reveal 250 Preschoolers are Suspended or Expelled Every Day,” Center for American Progress, November 6, 2017. <https://www.americanprogress.org/issues/early-childhood/news/2017/11/06/442280/new-data-reveal-250-preschoolers-suspended-expelled-every-day/>
- <sup>6</sup> Civil Rights Data Collection: Data Snapshot: School Discipline, U.S. Department of Education Office of Civil Rights, March 2014. <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>
- <sup>7</sup> “Suspensions Are Not Support: The Disciplining of Preschoolers with Disabilities,” Center for American Progress, January 17, 2018. <https://www.americanprogress.org/issues/early-childhood/reports/2018/01/17/445041/suspensions-not-support/>
- <sup>8</sup> U.S. Department of Health and Human Services and U.S. Department of Education Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings, December 2014. <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>