

# State of Nevada Policy Statement on Expulsion and Suspension in Early Childhood Settings

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## Purpose

Nevada aims to prevent children from being expelled, suspended or excluded in all early childhood settings. Exclusionary discipline practices, like expulsion and suspension, are adult behaviors that occur in response to children's consistent, persistent, and/or intense challenging behavior<sup>1</sup>. These adult behaviors do not teach children the needed social and communication skills to be successful and they prevent children from accessing educational opportunities that should be teaching these age- and culturally-appropriate social and communication skills. The goal of this policy statement is to provide guidance to programs and families with children in early childhood settings (birth to kindergarten) to create policies that promote inclusive positive guidance and discipline practices that eliminate expulsion and suspension. This document is Nevada's stance on supporting young children's social and emotional development and behavioral health.

The purpose of this policy statement is to:

- Provide clear and explicit definitions of expulsion and suspension in early childhood settings,
- Raise awareness and understanding of the importance of social and emotional development and behavioral health for all children, regardless of ability or disability,
- Provide guidelines for programs to create policies and implement social and emotional teaching practices that prevent suspension and expulsion,
- Set the expectation that policies and practices are carried out free of bias and discrimination, and
- Encourage training on evidence-based practices to teach and support young children's social, emotional, and behavioral development.

This statement follows recommendations from the U.S. Department of Education (ED) and U.S. Department of Health and Human Services (DHHS). Programs receiving Federal financial assistance must practice equitable student discipline and support healthy social, emotional and behavioral outcomes for young children of all backgrounds<sup>2</sup>. Public and charter school programs are also required by the Individuals with Disabilities Education Act (IDEA) to follow regulations regarding child discipline when behavior is related to their disability<sup>3</sup>. Nevada's policy aligns with IDEA's emphasis on a family's and child's right to inclusion and equitable access to education and services.

## Key terms and definitions:

- **Social and emotional development:** the developing capacity of the child from birth through five years of age to form close and secure adult and peer relationships; experience, regulate, and express emotions in socially and culturally appropriate ways; and explore the environment and learn – all in the context of family, community, and culture<sup>4</sup>. Also known as mental health.
- **Behavioral health:** the promotion of mental health, resilience, and wellbeing<sup>1</sup>.
- **Early childhood program/setting:** any educational or group setting where young children are in attendance (birth to kindergarten).
- **Inclusive program/setting:** any educational or group setting where all children, regardless of their abilities, disabilities, or health care needs, have access to regular education classroom settings.
- **Challenging behavior:** any repeated pattern of behavior that interferes with or is at risk of interfering with the child's optimal learning or engagement in pro-social interactions with peers and adults<sup>5</sup>.
- **In School/Program Suspension:** temporary removal of a child from the classroom and/or class peers. Child is sent outside the classroom (e.g. other classroom, director's office) for part of the day or multiple days in response to challenging behavior.

- **Short Term Out-of-School/Program Suspension:** when a child is sent home for part of the school/program day in response to challenging behavior.
- **Out-of-School/Program Suspension:** when a child is not allowed to return to the school/program for one or more days in response to challenging behavior. This also includes a modified schedule or shortened days.
- **Expulsion:** the permanent dismissal of a child from a program in response to challenging behavior without the benefit of alternate services<sup>2</sup>. Does not include transition to another program, service, or classroom (e.g. special education, therapeutic preschool program) deemed more appropriate for the child if done in collaboration with the family and the receiving program, service, or classroom. Should only be used for extraordinary circumstances where safety is threatened and cannot be addressed by other developmentally appropriate practices.

## Overview

Expelling a child is the most severe punishment a program can enforce. Preschool aged children are three times more likely to be expelled from school than children in K-12 schools<sup>2</sup>. There are large gender and racial differences in expulsion rates nationwide. Expulsions occur at the lowest rates in state-funded preschools and in Head Start<sup>6</sup> and occur at the highest rates in private and non-profit preschool<sup>6</sup>. However, no state is required to keep track of disciplinary action taken in private and non-profit programs<sup>2,6</sup>. Of Nevada's preschool-aged children, about 10% attend state-funded and Head Start programs<sup>2</sup>. Another 6% are served through special education services<sup>1</sup>. Thus, most young children who are in early childhood programs attend private and non-profit programs.

Expelling or suspending children from early childhood programs can influence their social, emotional, and academic development through adulthood. When young children are excluded from school, it can take longer to identify developmental delays or mental health concerns. This can cause delays in access to needed support services<sup>7</sup>. Preschool expulsion also impacts the family system. Families feel rejected when asked to leave a school. This rejection affects parents' ability to form relationships with schools in the future. Lack of care for young children places stress on parental employment, finance, and esteem<sup>6</sup>.

Children with challenging behavior also receive fewer positive interactions from teachers and other adults and are less engaged in school than their peers. Early behavior concerns can create lasting effects that become difficult to reverse and often extends into adulthood<sup>7,8</sup>.

The good news is that the early childhood years are the optimal time to teach the social and emotional skills that prevent the need for young children to engage in challenging behavior, thus preventing expulsion, suspension, and other exclusionary discipline practices. Families and teachers can learn about and implement evidence-based teaching strategies for social and emotional development and behavioral health. Policies and strategies are needed that effectively and proactively build strong family-school partnerships that result in greater outcomes for all children. Across early childhood systems, there is general agreement that children with strong social and emotional skills have little to no challenging behavior and vice versa. Family-school partnerships promote the discussion and identification of age- and culturally-appropriate social, emotional, behavioral health, mental health, and communication skills.

Brain development in early childhood occurs at a very fast pace, stressing the need for high-quality early experiences. Both positive and negative early childhood experiences have long-lasting effects. Caregivers who are nurturing and responsive stimulate children's healthy brain development, reducing the likelihood of long-term behavior concerns<sup>7,9</sup>. Programs and caregivers who miss the opportunity to build social and emotional skills in children put them at risk for engaging in challenging behaviors. Early childhood expulsion and suspension practices do not support children's social and emotional development or behavioral health.

## Guidelines for Early Childhood Programs

Early childhood programs should build a positive school climate and promote social and emotional development and behavioral health for children, families, and program staff. All policies should be administered equitably, without bias, and regardless of race, gender, ability, religion, or cultural beliefs.

All early childhood programs are encouraged to:

- 1) **Build strong relationships with families that includes effective and regular communication. Strong relationships with families and ongoing communication are critical.** It may become necessary to discuss a difficult topic or seek outside support if challenging behavior affects a child's ability to engage in the social and/or academic setting. Programs should create a process to respectfully share and address behavior concerns with families and refer families to appropriate services if and when necessary (e.g. early intervention, child find, early childhood mental health services, other community agencies). If regular communication is occurring with the family to share positive things about their child, it typically makes it easier to approach a family when a more difficult conversation needs to occur. Zero to Three offers a resource on how to talk to parents regarding challenging topics: <https://www.zerotothree.org/resources/92-how-to-communicate-with-parents>. If support from an outside service provider is needed, families should be included in all planning and give written permission before a third party is contacted. For family training and support for children with disabilities, visit Nevada PEP at <https://nvpep.org/>.
- 2) **Develop and clearly communicate classroom and program-wide strategies that support the development of social and emotional skills and prevent challenging behavior.** Program-wide policies apply evenly across all classrooms within a program. Program-wide behavior expectations should be consistent across classrooms and teachers and should include developmentally and culturally appropriate practices for all children. Clear and predictable schedules and routines create a consistent environment where children and adults know what to expect and when. Policies and procedures should be clearly communicated to all families, staff, and community partners.
- 3) **Ensure staff receives professional development on social and emotional development, positive behavior supports, and/or early childhood mental health.** Administrator support is needed for teachers to successfully teach and promote social and emotional development and behavioral health to the young children in their settings. Teaching staff should receive ongoing professional development in evidence-based practices and strategies for teaching and supporting the development of social and emotional skills. Teachers need ongoing support and feedback to implement evidence-based practices and strategies in the classroom with fidelity. Teachers also need professional development and support in teacher and caregiver well-being to prevent and address their own social, emotional, and behavioral health needs.
- 4) **Use of a valid social and emotional screening tool (e.g., ASQ-SE2, SEAM, DECA, etc.) can be used to provide families with information.** Programs are encouraged to provide families with information on the importance of social and emotional screening. This information can include:
  - The importance of social and emotional milestones, development, and screening,
  - Resources on how to promote social and emotional development, and
  - Who to contact if the family is concerned about their child's social and emotional development.
    - For children under the age of three, contact Nevada Early Intervention Services [https://dhhs.nv.gov/Programs/IDEA/Early\\_Intervention\\_Programs/](https://dhhs.nv.gov/Programs/IDEA/Early_Intervention_Programs/)
    - For children over the age of three contact your school district's Child Find office [https://doe.nv.gov/Schools\\_Districts/Nevada\\_Schools\\_and\\_District\\_information/](https://doe.nv.gov/Schools_Districts/Nevada_Schools_and_District_information/)
- 5) **Create and clearly communicate concrete expulsion and suspension policies.** We encourage programs to continuously build knowledge and capacity to teach and promote skills that foster appropriate social and

emotional development and behavioral health. This includes accessing resources for support outside of the program for training and/or technical assistance to implement preventative policies and practices, and accessing resources when concerns arise for a specific child(ren) well before suspension or expulsion is considered. Expulsion and suspension should only be used in unique situations and as a last resort. If a program is beyond their capacity to support a child with persistent challenging behavior, programs should work with the family to find a more appropriate setting and assist with the transition process to minimize the amount of time a child is out of an early childhood program. A family's decision may occur after receiving input from other parties such as the teacher, program administrator, or other service providers. Strong family-program relationships can ensure this process limits the impacts on children, families, and programs.

## Summary

Addressing the use of suspension and expulsion in early childhood settings is vital to Nevada's goal of increasing access to high-quality inclusive early education. Preschool expulsion is common in private and non-profit early care<sup>6</sup>. Diverse research shows the negative impact of expulsion on children and families<sup>7,8,9</sup>. The early childhood years are critical for developing a positive foundation for learning, health and wellness, and social and emotional skills<sup>2</sup>. These skills are necessary to be successful throughout their life, and are best when taught early.

## Resources

There are several national and state resources available to support programs to create and implement the above policies. This is not an explicit endorsement of the below programs or resources, but is intended to facilitate information sharing.

For information and on social and emotional development and teaching practices, see:

- Zero to Three, <https://www.zerotothree.org>
- The National Center for Pyramid Model Innovations (NCPMI), <https://challengingbehavior.cbcs.usf.edu/>
- Early Childhood Technical Assistance (ECTA) Center, <https://ectacenter.org/>
- The Pyramid Model Consortium, <https://www.pyramidmodel.org/>
- State of Nevada Part C Office, <https://dhhs.nv.gov/Programs/IDEA/PartC/>
- Nevada Pyramid Model Partnership, <http://nvtacsei.com/>

For information and resources related to children with disabilities, see:

- IDEA, <https://sites.ed.gov/idea/>
- Nevada PEP, <https://nvpep.org/>

For information and resources on early childhood mental health, see:

- U.S. DHHS Health Resources and Service Administration: Maternal and Child Health, <https://mchb.hrsa.gov/>
- The Center of Excellence for Infant and Early Childhood Mental Health Consultation, <https://www.samhsa.gov/iecmhc>
- Nevada Child Mental Health at <https://dcfs.nv.gov/Programs/CMH/Community-Based-Outpatient-Services/>

For information and resources on equity for young children and their families, see:

- National Association for the Education of Young Children (NAEYC), <https://www.naeyc.org/resources/position-statements/equity>
- The Children's Equity Project, <https://childandfamilysuccess.asu.edu/cep>

For information and resources on developmental milestones and behavioral screening see:

- Milestone Moments, [https://www.cdc.gov/ncbddd/actearly/pdf/parents\\_pdfs/milestonemomentseng508.pdf](https://www.cdc.gov/ncbddd/actearly/pdf/parents_pdfs/milestonemomentseng508.pdf)
- Birth to Five Watch Me Thrive, <https://www.acf.hhs.gov/ecd/child-health-development/watch-me-thrive>

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- <sup>1</sup> Gilliam, W. S. & Shahar, G. (2006). Preschool and child care expulsion and suspension: Rates and predictors in one state. *Infants & Young Children*, 19, 228-245.
  - <sup>2</sup> U.S. Department of Health and Human Services & U.S. Department of Education (2015). *Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings*. Retrieved from the ACF website at: [http://www.acf.hhs.gov/sites/default/files/eecd/expulsion\\_suspension\\_final.pdf](http://www.acf.hhs.gov/sites/default/files/eecd/expulsion_suspension_final.pdf) ; ED Office for Civil Rights and DOJ (2014). *Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline, at 3-4*. Retrieved from the Dept. of Ed at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>; NIEER (2020). *State Preschool Yearbook*. Rutgers; U.S.; Department of Education Office for Civil Rights (2014). *Data Snapshot: Early Childhood Education* [Issue Brief No. 2].
  - <sup>3</sup> Nevada Department of Administration (2011). *Suspension, expulsion or exclusion of pupil with disability* (NAC 388.265). Retrieved from Nevada Dept. of Administration at <https://www.leg.state.nv.us/nac/nac-388.html>; Individuals with Disabilities Improvement Act Regulations (2004): 34 CFR 300.530 through 300.536 (IDEA disciplinary protections); 34 CFR 300.101 and 300.17 (FAPE); 34 CFR 104.4, 104.38; 28 CFR 35.130(b)(1), (7).
  - <sup>4</sup> Zero to Three. (2016, February). Infant-early childhood mental health. Retrieved from <https://www.zerotothree.org/resources/110-infant-early-childhood-mental-health>
  - <sup>5</sup> Smith, B. & Fox, L. (2003). Systems of service delivery: A synthesis of evidence relevant to young children at risk of or who have challenging behavior. *Center for Evidence-based Practice: Young Children with Challenging Behavior*.
  - <sup>6</sup> Gilliam, W. S. (2005). Prekindergarteners left behind: Expulsion rates in state prekindergarten systems. New York, NY: Foundation for Child Development.
  - <sup>7</sup> Jones, D. E., Greenbert, M, & Crowley, M. (2015). Early social-emotional functioning and public health: The relationship between kindergarten social competence and future wellness. *American Journal of Public Health*, e-View Ahead of Print. doi: 10.2105/AJPH.2015.302630
  - <sup>8</sup> Raver, C. C., Jones, S. M., Li-Grining, C., Zhai, F., Metzger, M. W., & Solomon, B. (2009). Targeting children’s behavior problems in preschool classrooms: A cluster-randomized controlled trial. *Journal of Consulting and Clinical Psychology*, 77(2), 302–316.
  - <sup>9</sup> Koglin, U., & Peterman, F. (2011). The effectiveness of the behavioural training for preschool children. *European Early Childhood Education Research Journal*, 19(1), 97–111.