

# Suspensions and Expulsions in Preschool

In May of 2019, [HB 19-1194](#) was signed into law. This law, [C.R.S. 22-33-106.1](#), limits the suspensions and expulsions of children in grades preschool through second grade and requires districts to report on any children in these grades who are removed from class, suspended or expelled, and the incident that led to the disciplinary action. In response to this law and data collection requirements, this FAQ was developed to provide guidance on meeting these requirements for preschool programs administered by school districts and for children with IEPs who may have special education placements in community-based preschool programs.

## What does this law mean for early childhood programs in districts?

At minimum, school districts should have discipline policies and reporting procedures that align to C.R.S. 22-33-106.1. Districts must work with community partner preschool programs to report incidents of classroom removal, suspensions, and expulsions.

The school district, charter school or early childhood program may impose an out-of-school suspension or expel a student in preschool through second grade only if the conduct occurred on school grounds, in a school vehicle or school activity or sanctioned event that:

- involves the possession of a dangerous weapon
- involves the use, possession or sale of a drugs or controlled substance or
- endangers the health and safety of others

The school district, charter school or early childhood program may suspend or expel a child if the school district, charter school or early childhood program determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed and considers the criteria above before suspending or expelling the student. The school or early childhood program shall document any alternative behavioral and disciplinary interventions utilized before suspending or expelling the student. If a student is determined to meet the criteria for an out-of-school suspension, the suspension **shall not exceed 3 school days** unless it is determined that a longer period of suspension is necessary to resolve the safety threat, or the student is recommended for expulsion. Please review [C.R.S. 22-33-106.1](#).

## What are some examples of suspension, expulsion, and classroom removal in preschool?

The following are examples of **suspensions** in preschool that must be reported:

- Asking a family member to pick up a child early for disciplinary purposes
- Limiting the amount of time a child may attend programming due to disciplinary concerns

The following are examples of **expulsions** in preschool that must be reported:

- Families are told the program is a “bad fit” due to child’s behaviors and are asked to dis-enroll
- Families are informed that the program cannot provide the behavior support that the child needs without any effort to implement strategies and accommodations and are asked to dis-enroll the child
- Families are made to feel that they are not welcome in the program due to a child’s behavior

## Definitions

The Department of Early Childhood provides a flyer on preventing suspensions and expulsions in early childhood. Included in the flyer are practices considered suspensions and expulsions in early childhood.

**In-school suspension**-separates or removes a child from the classroom or activity.

**Out-of-school suspension**-temporarily removes a child from the program.

**Expulsion**-permanently removes a child from the program.

**Soft-expulsion**-when a program is inconvenient for a family or unwelcoming to the point the family must stop attending.

**Disenrollment**-permanently disenrolls a child from a program.

**Early pick-up**-when a program requires a child to be picked up early.



In-school suspensions are not specifically addressed in the law; however, it is a category to report in the end of year data collection. The following is an example of an **in-school suspension** in preschool and must be counted in the district's yearend report:

- Requiring a child to spend time in the principal or director's office for the remainder of the day or extended days due to disciplinary concerns

Classroom removal is also not specifically addressed in the law; however, it is still a category to report in the end of year data collection. The following is an example of a **classroom removal** in preschool and must be counted in the district's yearend report:

- A child is temporarily removed from the classroom (moved to hallway, separate room, principal/director's office) for disciplinary purposes

### **What data is collected and when; and who is responsible for tracking the data throughout the school year?**

Each May, there is a data collection period in which district data respondents must report on suspension and expulsion in preschool through 12th grade. Data is collected on the type of incident and demographics of the student. It is important that preschool coordinators work closely with their district data respondent to report accurate data during the May collection period. Districts are responsible to track the incidents, and this includes any preschool program administered by a school district including children with an IEP, who are served in community-based preschool programs. Information on the specific data collected can be found on the [School Discipline webpage](#).

### **Do districts need to report children who are on an IEP, but are served in a non-public school setting?**

Yes, districts are responsible to report disciplinary removals for any child receiving special education and related services at a community-based preschool program, charter school or Head Start this is identified as the special education placement.

### **How can districts and administrative units (AUs) provide oversight and support to their community-based preschool programs where children with an IEP are placed?**

School district preschool coordinators should work closely with their community-based preschools to support understanding of appropriate positive behavior supports for children. This may include professional development support, coaching and early childhood mental health consultation. It is also important for districts to include in their memorandum of understanding (MOU) and/or purchased services agreements, the steps community programs should take when there are concerns about challenging behaviors and how the community-based preschool is expected to report suspensions and expulsions to the school district.

### **What is required by Childcare Licensing on suspensions and expulsions?**

All licensed childcare programs are required to have clear behavior policies that explain how the program will respond to and find solutions to challenging behaviors. If a preschool program is following a school or district-wide discipline policy, it needs to align with childcare licensing rules and regulations. It is highly encouraged and important that programs access internal behavior supports, or reach out to an [early childhood mental health consultant](#) **before** a behavior escalates to the point of suspension and expulsion.

## **Research**

### ***What does the research tell us about children who are suspended and/or expelled in preschool?***

There is extensive research on the long-term negative impacts for children who are suspended or expelled in the early years of their lives. "Research indicates that young children who are suspended or expelled from school are several times more likely to experience disciplinary action later in their academic careers, drop out or disengage from high



school, report feeling disconnected from school, and be incarcerated later in life” (HB19-1194). This is sometimes referred to as the “preschool to prison pipeline,” which, according to The Center for American Progress, “has become a powerful metaphor to capture the processes by which children are pushed out of school and into the criminal justice system.” By some estimates, preschool children are expelled at rates more than three times higher than children in K-12 settings.<sup>1</sup>

Another concerning trend is the disproportionality of which children are more likely to get suspended. According to Stegelin (2018), “Federal data indicate that a disproportionate number of male students representing minority populations are expelled, along with English Language Learners and students with disabilities, all of whom could benefit from daily attendance in preschool programs.”<sup>2</sup>

### ***What are the possible reasons for racial and gender disparities with preschool suspensions and expulsions?***

Research indicates that one potential contributor of race and gender disparities in early childhood suspensions and expulsions is adult implicit bias. The way teachers and other staff perceive and appraise classroom behavior can lead to suspensions and expulsions in early childhood. Implicit bias about boys and children of color may impact how those behaviors are addressed, leading to higher rates of suspension and expulsion within these demographic groups.<sup>3</sup>

### ***What are recommended high quality policies and practices around preventing suspension and expulsion in preschool?***

Leading early childhood organizations recommend that early childhood programs work to prevent, severely limit, and eventually eliminate suspension and expulsion practices and that written program policies outline the steps that the program will take to support children. Children with the most challenging behavior to adults, are the ones most in need of high quality, culturally responsive, developmentally appropriate early childhood programming. Suspending and expelling children does not give these children access to quality interventions and early education.<sup>4</sup>

In the joint position statement, NAEYC recommends “systems: increase access to early childhood mental health consultation and crisis counseling; diversify the teacher pipeline; ensure that all early educators engage in meaningful professional development that supports them in being culturally responsive, cognizant of bias, and focused on relationship development; provide wrap-around services; and invest in meaningful family engagement, require a collaborative and sustained commitment that includes increasing supports and compensation for educators across settings and sector.”<sup>4</sup>

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<sup>1</sup> Adamu, M., & Hogan, L. (2015, October 8). [Point of Entry: The Preschool-to-Prison Pipeline](#). American Progress.

<sup>2</sup> Stegelin, D. A. (2018). (issue brief). [Preschool Suspension and Expulsion: Defining the Issues](#). Institute for Child Success.

<sup>3</sup> Meek, S. E., & Gilliam, W. S. (2016). [Expulsion and suspension in early education as matters of social justice and health equity](#). *NAM Perspectives*, 6(10).

<sup>4</sup> NAEYC (2016). [Standing Together Against Suspension & Expulsion in Early Childhood](#) [Position Statement].



## Resources

### ***What resources are available to support early childhood programs and to minimize and eliminate suspensions and expulsions?***

[Children's Equity Project](#) works at the intersection of research, practice, and policy and focuses on a range of equity issues in the early years and the early grades, including but not limited to, disproportionate discipline, corporal punishment, and bias; immigration and young children; language policies and supporting dual language learners; inclusion of children with disabilities; maternal and child health disparities; and issues affecting children in tribal communities.

[Early Childhood Mental Health Consultation](#) is a free, voluntary caregiver support program for parents and caregivers caring for children ages six and under who desire extra support to foster the social-emotional development and mental health of the children in their care.

[Head Start Policy Statement and Resources](#) are guidance, recommendations, and resources to support high quality practices in early childhood programs around preventing suspensions and expulsions.

[IECMHC Racial Equity Toolkit](#) is a collection of videos, tools, and resources that can help consultation systems leaders and all IECMHC practitioners build capacity in understanding race and systemic racism, bias, and culturally responsive practice and meaningfully embed equity in their programs and practice.

[Mental Health Colorado Early Childhood Mental Health Toolkit](#) provides strategies to support all young children and families, including those who are at risk of mental health problems. It is a guide for Early Childhood Councils and other early childhood partners to assess how their community work aligns with best practices.

[National Center for Pyramid Model Implementation](#) are resources on preventing suspensions and expulsions, culturally responsive practices, and implicit bias.

[Positive Behavior Intervention and Supports](#) (PBIS) is a prevention-based framework for organizing evidence-based behavioral supports into an integrated continuum that enhances academic and social outcomes for all students.

[Professional Development Information System](#) (PDIS) provides courses on implicit bias and working with an early childhood mental health consultant.

[U.S. Department of Health and Human Services U.S. Department of Education Policy Statement on Expulsion and Suspension Policies In Early Childhood Settings](#) is a policy statement to support families, early childhood programs, and States by providing recommendations from the U.S. Departments of Health and Human Services (HHS) and Education (ED) for preventing and severely limiting expulsion and suspension practices in early childhood settings.

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