

Preventing Suspension and Expulsion in Early Care and Education Programs Policy Statement

The experiences and opportunities of children (birth to age 13) are critical for building the foundation of learning, health, and wellness needed for success in school and life. Access to high-quality, inclusive early learning programs has important benefits for 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. Sometimes there are challenging situations that must be addressed in the context of a comprehensive approach that is designed to teach, nurture and encourage positive outcomes. Expulsion and suspension are stressful and negative experiences on all involved (children, their families, and their teachers/providers) and can negatively affect a child's development and outcomes.

Preventing expulsion and suspension requires a strong partnership with families. Families should be recognized and treated as the foremost experts on their children. Families and programs should exchange information about the child that is relevant to culture, strengths, concerns, disability, special health care needs, approaches to learning, and strategies that work at home and in the program.

Early care and education programs, including child care programs for all ages, should:

- Not expel or suspend a child from care, unless it is the last resort where there are extraordinary circumstances based on a determination of a serious safety threat that cannot otherwise be reduced or eliminated by the provision of reasonable modifications. Additionally Child Care Programs must ensure that discipline policies comply with Federal civil rights laws.¹
- Not limit the amount of services provided to a child (including denying outdoor time, withholding food, using food as a reward/punishment, or limiting the hours or days of availability of care).

¹ ED's Office for Civil Rights and HHS' Office for Civil Rights enforce several Federal civil rights laws that prohibit discrimination in early childhood programs receiving Federal financial assistance from their respective departments, including: Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d - 2000d-7 (prohibiting discrimination based on race, color, or national origin by recipients of Federal financial assistance); Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 – 1688 (prohibiting discrimination based on sex by recipients of Federal financial assistance); and Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (prohibiting discrimination based on disability by recipients of Federal financial assistance. ED, HHS, and the Department of Justice share authority to enforce Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 – 12134, which prohibits discrimination based on disability by state and local governments, regardless of whether they received Federal financial assistance. In addition, the Department of Justice enforces Title III of the American with Disabilities Act, 42 U.S.C. §§ 12181 – 12189, which prohibits disability discrimination in most private early childhood programs.

- Have a comprehensive policy that includes:
 - An explicit description of alternatives to suspension and expulsion.
 - Policies on positive guidance and behavior supports that create positive climates, focus on prevention, describe clear and appropriate expectations, address behavior, ensure fairness, equity and continuous improvement, and are age and program appropriate.
 - How the program will pursue options for supportive services, including available internal supports, consultation services and educator training.
 - Written and clearly articulated procedures that are provided and communicated with families/guardians, staff and others.
 - Expectations for sharing information between families/guardians and the care provider to be used in decision-making processes to support the child.
- Have access to training on a proactive and as-needed basis on how to:
 - Reduce the likelihood for suspension or expulsion.
 - Build positive guidance and behavior supports that create positive climates, focus on prevention, describe clear and appropriate expectations, and address behavior.
 - Access resources and consultation to assist in addressing children's health conditions in collaboration with families/guardians and the child's primary care provider.

The policy statement, guidance and additional resources may be found at:

<http://earlychildhood.marylandpublicschools.org/>