



# Preschool to Prison Pipeline

## Exclusionary Discipline in Preschool Programs

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# Introduction and Overview

- Definitions, Data and Disparities
- Consequences and Causes (“funnel”)
- Law and Policies
  - Federal and State Legal protections
  - Federal Guidance – Inclusion/Exclusion
- Proposed OCDEL Policies
- Lessons from other states – best practices
- Recommendations and Next Steps

# Early Education: *Kicked out and Deprived*



**More than 8,000** preschoolers were suspended nation-wide, often for undefined “conduct” or minor behaviors, such as crying, not listening, toileting mishaps, biting and kicking

- **3 and 4 year-olds** suspended **3x more** than school-age children
- **4-year-olds** suspended **higher rates** than 3-year-olds
- **Boys** are suspended more often than **girls**

# 2014 Civil Rights Data



## Alarming Numbers:

- **Black children in public pre-schools**
  - **3.6 times** as likely as white children to receive an out-of-school suspension
  - **Black children are 19%** of preschool population
  - But **47%** of the children who are suspended
- **Boys - generally**
  - **54%** of preschool population
  - But **78%** of preschoolers receiving one or more out-of-school suspensions

# Some Pennsylvania Data

- 74% of Pre-k suspensions were for **undefined conduct**
- 67% of students suspended for “conduct” are **Black or Latino**

*“In too many cases, our criminal justice system is a pipeline from underfunded schools to overcrowded jails.”*

President Barak Obama  
October 2015

School-age research shows that children who exhibit the **same behavior**, receive **different** responses based on **race** and **disability**

# Definition: Preschool-to-Prison Pipeline



Explicitly acknowledges...

- (1) Some children are **directly funneled toward incarceration** from the moment they enter preschool ... and
- (2) Others are at risk **indirectly**, given **interrupted education**

*"In too many cases, our criminal justice system is a pipeline from underfunded schools to overcrowded jails."*

President Obama  
October 2015

# Universal Pre-K: *More than Access*

- **Universal Pre-K**
  - Touts gains for low income children of color
  - Increased funding for Pre-k Counts (Head Start in PA)
  - Increased attention for quality Pre-K
  - Widespread push for increased funding/spaces
- **Access is not enough, we also need**
  - More attention on exclusions
  - More response to data proving disproportionality
  - More protections from discriminatory exclusion

# Preschool Exclusions: Short Term Consequences



- **Denies early learning** at critical developmental stages
- **Develops negative teacher and peer relationships**
- **Burdens parents/families** who need to work
- **Delays identification** of children with delays and disabilities
- **Delays connections** to social/behavioral health resources
- **Puts early learning programs at risk** for civil rights claims



# Pre-K Exclusions: Long Term Consequences

Long term negative education and life outcomes, including:

- More likely to be ***disciplined*** in the higher grades
- More like to be ***incarcerated*** later in life
- More likely to become ***truant***
- More likely to ***drop out*** of school
- More likely to develop ***substance abuse*** issues

*Negative education trajectory starts even before kindergarten !!*

# Federal Guidance Pre-K Exclusionary Discipline



## **Preschool:**

U.S. Departments of Health and Human Services and Education,  
*Policy Statement on Expulsion and Suspension Policies in Early  
Childhood Settings* (2014)

<http://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>

## **School Age:**

<http://www2.ed.gov/policy/gen/guid/school-discipline/index.html>

# Context for Federal Policy Statement



- **Dr. Gilliam's landmark studies:** identifies high rates of expulsion in early learning settings are 3-4 times the rate of K-12 settings.
- **My Brother's Keeper Taskforce:** focuses on eliminating expulsion and suspension in early learning settings.
- **U.S. Department of Education's Office of Civil Rights:** provides data on preschool suspension indicating large racial disparities (2014).
- **Department of Education and Justice:** provides official guidance addressing school climate and discipline.
- **Advances in brain science:** reveal that stress and negative experiences have long lasting consequences on development, learning, and broader outcomes.
- **Expansion of high quality early education:** recognizing disparities

# Federal Discipline Guidance

## Possible Causes of Disparities



- **Selective enforcement of policies** actually results in treating certain groups of students more harshly than others
- **Selective punishment under purported race-neutral rules** actually disproportionately punishes certain groups of students where the stated reason for the rule isn't the real reason
- **Punishment under purported race-neutral policies that are known to harm certain groups of students** - where there is no sound educational basis for the policy and where alternatives exist

# Other Factors Contribute to Disproportionality



**Early learning teachers lack adequate training, access to data and necessary supports to:**

- **Manage challenging behavior** with developmentally appropriate, race positive, gender responsive, trauma-informed, positive behavioral strategies
- **Be culturally informed (competence)** – race, ethnicity, poverty and disability
- **Identify and provide specialized instruction** and support to children with developmental delays
- **Identify and meet the needs of children experiencing trauma**

# Research: Yale Child Study Center: Bias & Early Educators



- **When teachers were told to expect challenging behaviors out of students**, they tended to gaze longer at Black children, especially Black boys.
  - Implicit biases may differ according to the race of the teacher.
  - Severity rating = How severe teachers considered the behavior to be.
- **When family background information was withheld**
  - White teachers hold Black preschoolers to a **lower** behavioral standard;
  - Black teachers hold these Black preschoolers to **higher** behavioral standards, especially Black boys, and in general tend to recommend harsher exclusionary discipline.
- **Black and white teachers** were equally likely to suspend or expel a child; but Black teachers in general recommended longer periods of disciplinary exclusion regardless of child gender/race.

# Bias and Educators: Impact of Knowing about Family Stressors



- When **Black Teachers** rating Black children were provided with **background information** that included familial stressors that may be explanatory of child behavior problems, ratings of perceived severity ratings significantly **decreased**.
- When **White Teachers** were provided with this same **background information**, perceived severity ratings **increased**.

# Ten Key Causes: *“Funnel” Factors*



- 1. Funding disparities** – inadequate funding Pre-K
- 2. Unequal access to high quality services**
  - Limited Prenatal, infant and child health services
  - Limited high quality, inclusive preschools
  - Limited mental and behavioral health support services
- 3. Teacher misunderstanding/deficits in child development**
- 4. Lack of educator preparation explicitly focused on race and class to address implicit bias**
  - Black children, especially boys, perceived as older and less innocent than white boys
  - Black children’s misbehavior is attributed to different causes (parenting, cultural deficits, poor character)



# Key “Funnel” Factors (con’t)



5. **Zero tolerance/“get tough” policies**
6. **Lack of resources and inter-agency supports** for early education programs
7. **Lack of understanding** of young children mental health (DSM – depression, attachment disorders, OCD etc.)
8. **Unmet needs** of children in poverty/trauma
9. **Criminalization** of preschool behavior
10. **Suspensions used as leverage** to address (lack of) parent engagement



# LEGAL RIGHTS RESOURCES and STRATEGIES for CHANGE

# Some Civil Rights Protections

## ■ Federal Civil Rights Laws

- **IDEA:** substantive and procedural protections.
- **Federally funded programs cannot discriminate in their disciplinary actions on the basis of race, color, national origin, or sex.** (Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972).
- **No programs can discriminate on basis of disability** (Title II and III of the ADA; Section 504 of the Rehabilitation Act).

## ■ State Laws

- **Child care subsidies:** Agencies receiving subsidies **may not discriminate based on age, race, sex, color, religious creed, national or ethnic origin, ancestry, sexual preference or physical or mental disability.** (55 Pa Code Ch. 3041.11).
- **Missing pieces:** No discussion of discipline in Pre-K Counts statute

# Head Start Law and Policy

- **Long-standing practice** that discourages out-of-program suspensions and expulsions.
- **NEW FEDERAL REGULATIONS:** Prohibit expulsions and suspensions
  - **Limited Exception** - must facilitate transition – but only after:
    - Explored all possible alternative options
    - Consulted with parents, teachers, LEA, and MH consultant, AND
    - Determines the child poses “serious safety threat” AND
    - Determines Head Start is not the most appropriate program

# PA Implementation of Federal Policy OCDEL Proposed Announcement



## **Proposed Announcement OCDEL -15 #01**

*Policy Statement on Expulsion and Suspension in Early  
Childhood Settings*

To be released soon for Public Comment

# OCDEL Proposed Policy Emerging Work & Next Steps

- Advocates Pressed OCDEL for State Policy
  - Federal Guidance Released
    - OCDEL Proposed State Guidance for Public Comment
      - Public Comment Period Extended – OCDEL Webinar
        - OCDEL Convened Joint Policy Forum to Review Comments and Inform Policy Development with Federal Partners & Key Stakeholders
          - OCDEL sought further collaboration and input from both EI and ECE Providers



**OCDEL Proposed Policy to be released soon for Public Comment**



# Federal Policy Statement

## Inclusion of Children with Disabilities in Early Childhood Programs

[www.ed.gov/early-learning/inclusion](http://www.ed.gov/early-learning/inclusion)

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
U.S. DEPARTMENT OF EDUCATION

**POLICY STATEMENT ON  
INCLUSION OF CHILDREN WITH DISABILITIES IN  
EARLY CHILDHOOD PROGRAMS**  
September 14, 2015

**PURPOSE**

The purpose of this policy statement is to set a vision and provide recommendations to States, local educational agencies (LEAs), schools, and public and private early childhood programs, from the U.S. Departments of Education (ED) and Health and Human Services (HHS) (the Departments), for increasing the inclusion of infants, toddlers, and preschool children with disabilities in high-quality early childhood programs.<sup>1</sup>

It is the Departments' position that all young children with disabilities should have access to inclusive high-quality early childhood programs, where they are provided with individualized and appropriate support to meeting high expectations. The joint ED and HHS policy statement states to advance this position by:

- Setting an expectation for high-quality inclusion in early childhood programs;
- Increasing public understanding of the science that supports meaningful inclusion of children with disabilities, from the earliest stages, in early childhood programs;
- Highlighting the legal foundations supporting inclusion in high-quality early childhood programs;
- Providing recommendations to States, LEAs, schools, and early childhood programs for increasing inclusive early learning opportunities for all children; and
- Identifying key resources for States, programs, early childhood personnel<sup>2</sup>, and families to support high-quality and inclusive programming and inclusion of children with disabilities in early childhood programs.

Through this policy statement (focus on including young children with disabilities in early childhood programs, it is our shared vision that all people be meaningfully included in all facets of society.

<sup>1</sup> Early childhood programs refer to those that provide early care and education to children who are age 0 to 5, where the majority of children in the program are typically developing. These include, but are not limited to, private or publicly funded center or home-based child care, home visiting, Early Head Start, Head Start, private preschool, and public, school and community-based prekindergarten programs, including those in charter schools.

<sup>2</sup> Early childhood personnel refer to professionals who provide early care and education services to children early through age 5, including public or private preschool teachers, home and center-based child care providers, Head Start and Early Head Start teachers, home visitors, early start workers, early childhood special educators, and related services personnel.

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Together we can make progress in ensuring inclusive early learning opportunities for young children with disabilities, and in doing so, achieve greater outcomes for all children. We hope that States and local communities will share the Departments' vision that all people with disabilities be meaningfully included in all facets of society, starting at birth, and partner with us to build a stronger and more competitive early childhood system that sets a trajectory for their education and positive outcomes across the course of their lives. Thank you for the work you do on behalf of children and families across America.

Sincerely,

*/s/*

Arne Duncan, Secretary  
U.S. Department of Education

*/s/*

Sylvia Mathews Burwell, Secretary  
U.S. Department of Health and Human Services

# Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs



*A “high-quality” early childhood program is one that is inclusive of children with disabilities\* and their families and ensures that policies, funding, and practices enable their full participation and success*

*\*Think: intersection children - children with disabilities - ELL - foster care -experiencing homelessness - race and poverty*



# Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs



## *The Policy Statement:*

- **Sets an expectation** for high-quality inclusion in early childhood programs;
- **Highlights** the legal and research base for inclusion;
- **Provides recommendations** to States and local programs and providers for increasing inclusive early learning opportunities for all children; and
- **Links to** free resources for States, local programs and providers, and families that have been developed to support inclusion of children with disabilities in high-quality early education programs

# Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs



## 10 Recommendations for State Action

1. Create a State-Level Interagency Task Force and Plan for Inclusion
2. Ensure State Policies are Consistent with High-Quality Inclusion
3. Track Data on Goals on Inclusion
4. Review and Modify Resource Allocations
5. Ensure Quality Rating Frameworks are Inclusive

# Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs



## Recommendations for State Action (continued)

6. Strengthen Accountability and Build Incentive Structures
7. Build a Coordinated Early Childhood Professional Development System
8. Implement Statewide Supports for Children's Social Emotional and Behavioral Health
9. Raise Public Awareness
10. Evaluate Results

# \*Preschool-to-Prison Some Progress - *but slow*



**Federal Guidance** – Exclusion and Inclusion!

**OCDEL Proposed Policy** – *Coming soon – with inclusion!*

- Increasing attention to “push out” and exclusions
- New attention and OCDEL resources dedicated to professional development and other training and supports for early learning teachers
- More focus on collecting reliable data & “inter-sectional” data
- Renewed attention to interagency collaborations
- More public education and parent engagement re: rights

# PRIDE: Positive Racial Identity Development in Early Education



*A proactive, actionable concept with the potential to protect young African American children from harmful effects of racism.*

*Specific Recommendations.*

*Consultation and Curricular for Early Learning.*

University of Pittsburgh – School of Education  
Center for Urban Education – Office of Child Development –  
The SEED Lab (2016)

# PRIDE: Report

*“Children of color experience daily messages, explicit or subtle, from individuals and institutions:*

*you are not as good, not as lovable, not as beautiful, and not as smart as children of the dominate race.*

- Discussion of Positive Racial Identity in Young Children



- **Race Scan – full report**  
[Flipbook version](#)  
[PDF version](#)
- **Executive Summary and Recommendations**  
[Flipbook version](#)  
[PDF version](#)

# Snapshots of Success - Arkansas



- State leaders established interagency working group
- *“No child shall be dismissed from the program for behavior without prior approval from the Arkansas Department of Human Services/Division of Child Care and Early Childhood Education.”*
- **Embedding new non-suspension/expulsion policies** in the child care agreement to accept voucher
- **Requiring parent notification** of non-expulsion policies
- Developing and disseminating tools for centers such as **sample policies and self-assessment tools**
- **Launching a new suspension/expulsion data tracking and technical assistance system**
- **Doubled early childhood mental health consultation** –targeted providers with high needs
- **Training and tools for teachers AND Directors**

# Snapshots of Success - Chicago



- In 2014, CPS established a no-suspension policy for children in preschool to 2nd grade, in its revised Student Code of Conduct. A no expulsion policy was already in place.
- *“Students in grades pre-kindergarten through second may NOT be assigned in-school or out-of-school suspensions. If a student in pre-kindergarten through second grade exhibits behavior that presents an imminent endangerment to the physical, emotional, or mental safety of specific students/staff, the Network Chief or designee may grant an exception and assign an emergency one-day in-school or out-of-school suspension after the student’s parent/guardian has been notified.”*
- **Restructuring data system** to provides school personnel with real-time tracking of behavior data, intervention usage, and suspensions.
- **Deployed social-emotional learning specialists**, who assist staff in behavior management and social and emotional development, regularly check suspension data in schools, and follow-up if data are concerning.
- The year before the policy was implemented, **1,800 children preschool-2<sup>nd</sup> grade had been expelled**. The year after the number was 94 - **none of whom were preschoolers**.



# Snapshots of Success - Connecticut



- In Gilliam's 2005 expulsion study, CT had one of the highest rates in the country.
- This prompted **investments in early childhood social-emotional development**.
- CT's universal early childhood mental health consultation system began as a pilot.
- Sophisticated data system and strong results helped make the case for permanent funding.
- **99% of children** at risk for suspension or expulsion who completed ECMHC services were not suspended/expelled at follow up.
- In 2015, CT passed **Public Act 15-96** prohibiting most out-of-school suspensions and expulsions of children in pre-k - 2<sup>nd</sup> grade
- CT also received a new Preschool Development Grant-Each new classroom will receive a preventive dose of ECMHC twice a school year.

# Snapshots of Success – New York City



- NYC's Preschool for All program enrolled nearly 69,000 children this school year in over 1,800 programs.
- New York City's Preschool for All initiative developed guidance for all programs that states: **"Children in Pre-K for All and Early Learn NYC programs may not be expelled or suspended."**
- Pre-K programs in NYC are **required to develop and implement strategies for responding to behavior that is disruptive** to other children or unsafe for the child and/or others.
- Pre-K for All programs are supported by a social worker team who promotes **each child's social-emotional development.**
- New York City's **other preschool** programs-such as Head Start and child care-are supported by ECMHC.

# Snapshots of Success - Washington



- Washington's public preschool program has a "no expulsion" policy.
- In WA survey, **56% of family child care homes and 69% of centers reported removing a child during the last five years.**
- Washington moved to incorporate "evidence of a no expulsion policy" into their QRIS.
- Washington also supports a statewide network of infant/toddler specialists - which include mental health consultants - to support early childhood teachers and providers.
- State partners closely with University of Washington for training, with an emphasis on social-emotional development, behavior management, and family engagement.
- ***Washington is one of the first States in the nation to work on addressing expulsion and suspension through policy and prevention efforts in both public preschool and child care.***

# Snapshots of Success – Washington, D.C.



- In 2015, the D.C. Council introduced the **Pre-K Student Discipline Amendment Act**
- The law **prohibits, with few exceptions, the suspension/expulsion of any preschooler from a publicly funded early learning program** and establishes reporting requirements
- The Department of Behavioral Health administers an early childhood **mental health consultation program**, in underserved wards of the city.
- They also offer a **school behavioral health program** that delivers prevention, early intervention, and clinical services to children and families in 33% of traditional public and charter schools.
- Coaching/mentoring made available to early care and education teachers in Title I schools.

# Recommendations and Next Steps for OCDEL:



- Promote a **statewide vision of inclusion** - and ensure competencies to meet needs of all children.
- Develop and **clearly communicate policies re preventative guidance and discipline practices**
- **Develop statewide data system** *disaggregated for race and gender, disability and English language*
- **Develop data driven goals** - promote inclusion and eliminate exclusion

# What can providers do?



- **Promote** inclusion and eliminate exclusions
- **Align** local policies and practices with state and federal law
  - Federal Policy - rich in resources and guidance for state action
  - State law – lessons from other states
  - Engage interagency collaboration to address efficient use of resources (see Interagency Behavioral Health/EI Announcement)
- **Support** policies and practices that promote PRIDE, social, emotional and behavioral competence, with MH supports
- **Educate** early education providers and parents of legal rights
- **Ensure** professional competency to meet needs of all children across race and disability - expand technical assistance and professional development

# Keys to Change:



- **Expand and support targeted professional development**
  - **Eliminate** Implicit bias
  - **Create** Alternatives to exclusionary discipline
  - **Support** Positive behavior strategies
  - **Increase Understanding** of Early child development
  - **Decrease negative consequences** of exclusionary discipline
  - **Promote** Interagency collaboration – across systems
  - **Celebrate** the progress!

# Tools and Resources



- **Expulsion and Suspension Resources:** <http://www.acf.hhs.gov/programs/ecd/child-health-development/reducing-suspension-and-expulsion-practices>
- **Federal Guidance:** <https://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>
- **Advocacy Resource (Texas):** <https://www.texasappleseed.org/sites/default/files/Yg-Stud-SuspensionBanPolicyGuide.pdf>
- **Information Memorandum for Child Care Agencies:**  
<http://www.acf.hhs.gov/programs/occ/resource/im-2015-01>
- **State and District Policies from around the country:**  
<http://www.endzerotolerance.org/discipline-in-early-childhood-settings>
- **Yale Child Study Center Report on Bias and Early Educators:**  
[http://ziglercenter.yale.edu/publications/Preschool%20Implicit%20Bias%20Policy%20Brief\\_final\\_9\\_26\\_276766\\_5379.pdf](http://ziglercenter.yale.edu/publications/Preschool%20Implicit%20Bias%20Policy%20Brief_final_9_26_276766_5379.pdf)



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