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Executive Summary

As increasing state and federal funds are dedicated to the development and inclusion of public Pre-Kindergarten (PreK) and full-day Kindergarten classrooms across Virginia, the number of four- and five-year-old children being served within public school settings is rising. At the national level, this rise in increased school enrollments for young children has occurred alongside an increasing number of student expulsions from both public and private early childhood classrooms. **As previous research has suggested that school expulsion and suspension practices are associated with negative educational and life outcomes, it is of central importance that state education disciplinary policies take into account the various developmental needs of students spanning the PreK-Grade 12 spectrum alongside the identified needs of students from special populations.**

This policy brief explores state-level conduct and discipline policies across the United States as a means to compare and provide models for Virginia as related to preschool and primary age children. Further, we investigate the intersections between the guidance recommendations for early childhood students from NAEYC (2009), the U.S. Department of Education (2016), and adopted state policy. A thematic content analysis was used to develop an understanding of individual state conduct and discipline policies, thus, allowing us to explore the ways in which state-level conduct policies contribute to, address, or work to curb the rising number of expulsions and suspensions of Pre-K

Public School Discipline Policies and Practices: Implications for Early Childhood Classrooms in Virginia

As increasing state and federal funds are dedicated to the development and inclusion of public Pre-Kindergarten (PreK) and full-day Kindergarten classrooms across Virginia, the number of four- and five-year-olds being served within public school settings is increasing. At the national level, the rise in increased enrollments for young children has occurred alongside an increasing number of student expulsions from both public and private early childhood classrooms.¹

In this writing we are particularly interested in exploring how state-level policy addresses early childhood contexts within the public school system in order to identify the ways in which existing policies support, hinder, or pose challenges to the enactment of positive guidance practices. As such, this writing is informed by understandings of positive guidance practices as derived from both flexible understandings of the developmental and behavioral

onments. In this brief, we explore the ways in which state-level guidance/conduct policies contribute to, address, or work to curb the rising number of expulsions and suspensions of PreK and K students from public school classrooms. We conclude this writing with recommendations for policy actions that serve to support young children and families in public school settings.

Perspectives and Context -Public Pre-Kindergarten and Kindergarten

The U.S. Department of Education Office for Civil Rights 2013- 2014 Civil Rights Data Collection report, published in 2016, revealed inequalities in public education disciplinary

of preschool enrollments but are 15% of the preschool children receiving one or more out-of-school suspensions. Young English language learners (ELL) make up 12% of preschool enrollments and represent 7% of the preschool children receiving one or more out-of-school suspensions.⁴

Figure 1. Enrollment rate by category compared to OSS rates.

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C. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04, 22.1-277.05, or 22.1-277.06.

§ 22.1-279.1:1. The use of seclusion and restraint in public schools; Board of

threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as practicable thereafter.

§ 22.1-277.06.
Expulsions;
procedures;
readmission.

Recommendations for expulsion for actions other than those specified in §§ 22.1-277.07 and 22.1-277.08 shall be based on consideration of the following factors:

1. The nature and seriousness of the violation;
2. The degree of danger to the school community;
3. The student's disciplinary history, including the seriousness and number of previous infractions;
4. The appropriateness and availability of an alternative education placement or program;
5. The student's age and grade level;
6. The results of any mental health, substance abuse, or special education assessments;
7. The student's attendance and academic records; and
8. Such other matters as he deems appropriate.

No decision to expel a student shall be reversed on the grounds that such factors were not considered.

Nothing in this subsection shall be deemed to preclude a school board from considering any of these factors as "special circumstances" for purposes of §§ 22.1-277.07 and 22.1-277.08.

Table 1. Virginia School Discipline Policies⁵

⁵ National Center on Safe Supportive Learning Environments. (2019). School discipline laws and regulations by state & category: Virginia. Retrieved from <https://safesupportivelearning.ed.gov/discipline-compendium/choose-type/virginia>

Examining State-Level Conduct and/or Discipline Policies

To better understand state-level school conduct and/or disciplinary policies, as a means we reviewed and analyzed publicly available policies on their associated Department of Education or state government websites and the National Center for Safe Supportive Learning (formerly National Center for Safe Supportive Learning Institutes for Research) state profiles. All policies analyzed were effective as of January 2018 and data was collected in late spring 2019. We employed thematic content analysis to gain insight into the current status of public school conduct and disciplinary policies and the resulting practices employed as they relate to early childhood classrooms. Through our review and analysis process, we uncovered

creates opportunities for large

policy provides descriptive accounts of student behaviors and various infractions that would result in suspension or expulsion. The s

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As the rates of expulsions and suspensions in PreK settings have drastically increased in recent years, specifically among Black and male preschoolers⁸, it is important to review state discipline policies specific to early childhood classrooms. While 43 states had a single overarching conduct and discipline policy to govern all PreK-12 students, a distinction between grade levels was found in eight of the state discipline policies. Specifically, these eight statewide policies included preschool, elementary, and secondary grade level distinctions for how disciplinary infractions are addressed and the severity of the disciplinary interventions. As an

school district is required to provide disciplinary alternatives for students enrolled below the 3rd grade level and these alternative programs are required to be age-appropriate and research-based. Connecticut also provides distinction for out-of-school suspensions for students in Pre-K through

grades, a student may only receive out-of-school suspension when it is deemed that the student is a danger to others. In grades three and higher, other, more detailed distinctions are offered, such as student history and previous implementation of positive behavioral supports.

Of the 43 states that had single, overarching discipline policies that governed student conduct and school-based discipline at every age, nine states did indicate a need to consider factors related to age when considering disciplinary actions such as suspensions and expulsions. ct to first consider several factors before

suspending or expelling a student including the history, and the seriousness of the violation committed by the student. New York requires districts to develop measured, balanced, and age-appropriate responses to misconduct, with strategies and procedures following a progressive model that makes appropriate use of positive interventions. Virginia requires that, should be considered. Four states made distinctions regarding secondary discipline policies, while eight states included distinctions for elementary age discipline. Only two states to date Connecticut and New Jersey - have included PreK as a specific distinction in their statewide written discipline policies (see Table 2 for state specific information).

National Center on Safe Supportive Learning Environments. (2019). School discipline laws & regulations by state and category: Oregon. Retrieved from <https://safesupportivelearning.ed.gov/discipline-compendium/choose-type/Oregon/Grounds%20for%20possible%20suspension%20or%20expulsion>

U.S. Department of Education Office for Civil Rights. (2016). *2013-2014 civil rights data collection: A first look*. Retrieved from <https://www2.ed.gov/about/offices/list/ocr/docs/2013-14-first-look.pdf>

| | Specific differentiation of disciplinary action based on age/grade level | Some or vague differentiation of disciplinary action based on age/grade level (e.g. <i>Age of student should be considered/ age-appropriate discipline</i>) | No differentiation of disciplinary action based on age/grade level |
|-----------------------------------|---|--|--|
| State (age/grade differentiation) | California (K- grade 3 differentiation) Connecticut (Pre-K grade 2 and grade 3 12 differentiation) Kentucky (primary student differentiation) Michigan (grade 5 or below/grade 6 or above differentiation) New Jersey (Pre-K differentiation, K-2 differentiation) Nevada (K- grade 8 differentiation) Texas (below grade 3 differentiation) Washington (K- 4 and grade 5 and above differentiation) | Colorado Georgia Hawaii Missouri New York Oklahoma Oregon Vermont Virginia | Alabama Arkansas Arizona Alaska Delaware Florida Idaho Indiana Illinois Iowa Kansas Louisiana Maine Maryland Massachusetts Minnesota Mississippi Missouri Montana Nebraska New Hampshire New Mexico North Carolina North Dakota Ohio Pennsylvania Rhode Island South Carolina South Dakota Tennessee Utah West Virginia Wisconsin Wyoming |

Table 2. Differentiation by state of discipline specificity according to age.

