



## **State of New Jersey**

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF FAMILY DEVELOPMENT  
OFFICE OF CHILD CARE OPERATIONS

### **Policy Statement on Prevention of Suspension and Expulsion of Children Birth to Age Five from Early Childhood Programs**

#### **Background**

Pursuant to the Child Care Development Fund (CCDF) Federal regulations at 45 C.F.R. 98.16, the State of New Jersey must set forth policies to prevent suspension, expulsion and denial of services due to behavior of children - birth to age five - in child care and other early childhood programs receiving federal funding. The New Jersey Head Start Performance Standards currently prohibit programs from expelling or un-enrolling children from Head Start because of a child's behavior. New Jersey state law also prohibits suspensions and expulsions, with certain limited exceptions, of students enrolled in preschool through grade two (N.J.S.A. 18A:37-2a). The State's goal is to prevent, severely limit and eventually eliminate suspension and expulsion in early childhood programs and settings.

#### **Policy Statement**

To align with the aforementioned regulations and practices, the New Jersey Department of Human Services, Division of Family Development (DHS/DFD) is requiring that any provider or program receiving public funds through the Child Care Subsidy Program establish a policy to prevent suspension, expulsion, and denial of services due to children's behavior.

Specifically, each child care provider receiving funds through the Child Care Subsidy Program shall do the following:

- Develop and clearly communicate preventive guidance and discipline practices.
  - The guidance should be written and comprehensive and should promote positive behaviors and relationships; articulate expected behaviors and relationships for infants, children and staff; and contain protocols on preventing and responding to challenging behaviors.
- Establish developmentally, social-emotional and behaviorally appropriate discipline and intervention procedures.
  - Discipline and intervention procedures should include consultation with families, mental health specialists, and school counselors.
- Provide training to teachers and staff in creating positive climates focusing on preventing expulsion and prevention.

- Create a culture of inclusion and establish protocols used to respond to challenging behaviors to focus on identifying the underlying causes to the challenging behaviors.
- Consider participating in the Grow NJ Kids, New Jersey's Quality Rating and Improvement System (QRIS), to access specialized technical assistance in social-emotional development and inclusion, additional support and coaching to improve children's social-emotional development, training on Keeping Babies and Children in Mind curriculum, and the Pyramid Model.
- Set goals, monitor and analyze data to assess progress and modify practices, as needed.
  - Data Metrics should be based on specific goals and should measure the following but not limited to:
    - Teachers' access and use of preventive resources;
    - Children's access and participation in behavioral evaluations; and,
    - Reduction in the number of suspension and expulsions one year post-policy implementation. (Programs also are encouraged to measure complete elimination of suspension and expulsions two years post-policy implementation.)
- Use all resources, including free federally funded resources to enhance staff training on prevention practices.
  - Through DHS/DFD quality initiatives, providers and programs can access professional development training and opportunities, focused on topics such as developmental screening training, identifying risk factors, and medical consultations.

This policy statement affirms and supports the State's efforts to advance the elimination of suspension and expulsion in order to support the emotional, social, intellectual and behavioral development of all children in all early childhood settings. Access to high-quality early learning experiences and environments has a positive impact on children's development and learning, whereas removing children from these experiences for disciplinary reasons does not improve short-term or long-term childhood development outcomes.

Challenging behaviors exhibited by children must be addressed in the context of a comprehensive approach to behavioral support that is designed to teach, nurture, and encourage positive social behaviors. Directors should seek to involve families, administrators, teachers and other auxiliary staff to support children and prepare them for successful preschool experiences.

Strategies for eliminating suspension and expulsions in child care settings are further outlined in the DHS/DFD "Suspension and Expulsion Elimination Best Practices" guidance document.



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### **Suspension and Expulsion Elimination Best Practices**

#### **Purpose**

In accordance with 45 CFR 98.16(ee), this document is being issued to supplement the Department of Human Services (DHS) "Policy Statement on Suspension and Expulsion." The document was prepared in collaboration with Montclair State University Center for Autism and Early Childhood Mental Health. The goal of this guidance is to support the emotional, social and intellectual development of infants, children and their families by providing best practices to child care providers to prevent exclusionary disciplinary practices in infant and early childcare settings.

#### **Background**

The Child Care Development Block Grant Act of 2014, 45 CFR Part 98 includes provisions calling for the promotion of children's social-emotional and behavioral health and policies on suspension, expulsions and other exclusionary discipline practices. To this end, DHS issued a *Policy Statement on Expulsion and Suspension* affirming the States' efforts to advance the elimination of suspension and expulsion in order to support the emotional, social, intellectual and behavioral development of all children, in all early childhood settings.

A child's first five years are critical for building the foundation of learning, health, and wellness needed for success in school and later in life. During this time children are particularly sensitive to positive and negative experiences. Suspension and Expulsion can have long-term detrimental effects on children's social-emotional development and learning outcomes. Young children who are expelled or suspended are significantly more likely to drop out of high school, experience academic failure and grade retention, and face incarceration than those who are not.<sup>1</sup>

These practices may also delay or interfere with identifying and addressing the underlying issues which resulted in the suspension or expulsion. Children with undiagnosed disabilities or behavioral health issues may not receive the evaluations or referrals they need in order to obtain services. Additionally, these lapses in care deprive children of cognitively enriching experiences and create stressful situations for their families.

Additionally, research indicates that specific groups of children are being disproportionately expelled and suspended from early learning settings. Racial disparities have been documented in the use of suspension and expulsion. A 2014 report issued by the US Department of Education Office for Civil Rights reported that black children represent 18% of preschool enrollment, yet they represent 42% of the preschool children

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<sup>1</sup> U.S. Department of Education Office for Civil Rights 23 Civil Rights Data Collection: Data Snapshot (School Discipline) Issue Brief 1: March 21, 2014, page 3.

suspended once and 48% of the preschool children suspended more than once.<sup>2</sup> Findings from the most recent Civil Rights Data Collection (CRDC), which describe the 2011–12 school year, reveal stark discipline disparities. The report indicated that, “In many educational institutions, students of color are disciplined more harshly and more frequently than other students, resulting in serious, negative educational consequences, particularly when such students are excluded from school.” Such disparities create limit positive and enriching education development and may be addressed though the implementation of suspension or expulsion best practices outlined herein.

### **Best Practices for Infant and Early Childhood Programs**

Identifying and addressing the underlying causes that manifest challenging behaviors is necessary for successful intervention. Therefore, the following best practices highlight important fundamental steps providers can take to eliminate suspension and expulsion practices in early childhood settings, while shifting attention to “front-end” methods for addressing the underlying causes of challenging behaviors:

- Providers and programs should seek to involve families, administrators, teachers and other auxiliary staff in providing support to infants, children and families, to prepare them for successful infant, toddler and preschool experiences.
- Providers should increase awareness among staff, families and community partners and educate stakeholders about the adverse developmental, emotional and social consequences of exclusionary discipline practices.
- Providers should have a written comprehensive discipline policy that teachers are trained on and that: 1) promotes positive behaviors and relationships; 2) articulates expected behaviors and relationships for infants, children and staff; and 3) contains protocols on preventing and responding to challenging behaviors.
- Providers should create a culture of inclusion and elaborate on those protocols used to respond to challenging behaviors to include a focus on identifying the underlying causes giving rise to the challenging behaviors.
- Providers should inform families and help them access community and state resources that promote emotional and relational well-being, such as home visiting programs and parenting support programs. They also should help to develop school-parent liaisons and help families address concrete needs such as housing, food and employment.
- Providers and programs should support workforce development and avail themselves of federal and state initiatives that support workforce development.

DHS’ Division of Family Development (DFD) provides resources and supports to address the child care needs of families and support providers and programs servicing families that need early care and education services.

Through DHS/DFD quality initiatives, providers and programs can access professional development training and opportunities focused on topics such as developmental screening training, identifying risk factors, and medical consultations.

Furthermore, through the implementation of Grow NJ Kids, New Jersey’s Quality Rating and Improvement System (QRIS) providers and programs can receive specialized technical assistance in social-emotional development and inclusion, additional support and coaching to improve children’s social-emotional development, training on Keeping Babies and Children in Mind curriculum, and the Pyramid Model. Additional links, resources and online training are accessible on DHS/DFD and Grow NJ Kids websites.

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<sup>2</sup> U.S. Department of Education Office for Civil Rights, Protecting Civil Rights, Advancing Quality, Report to the President and Secretary of Education FY 13-14, page 20.