

**North Carolina Child Care Development Fund Plan  
Recommended Policy on Early Childhood Suspension and Expulsion**

**Background**

According to the US Department of Health of Human Services' and the US Department of Education's Joint Policy Statement on Expulsion and Suspension Policies in Early Childhood Settings (2014), data released over the past decade have shown high rates of expulsion and suspension in early childhood programs, with variability in rate depending on the setting. Data also indicate that specific groups of children are being disproportionately expelled and suspended from their early learning settings. Recent data from the US Department of Education Office for Civil Rights (2014) indicate that while African-American children make up 18% of preschool enrollment in state-funded programs, they constitute 48% of preschoolers suspended more than once. Across race and ethnicity groups, boys represent 54% of the preschool population, yet they make up 82% of children suspended multiple times. Girls who are black, Native Hawaiian, or other Pacific Islander represent 30% or more of out-of-school suspensions -- a larger percentage than girls within any other racial or ethnic group. Research demonstrating similar disparities in school-age children noted that potential contributors may include uneven or biased implementation of disciplinary policies and the lack of self-reflective teaching strategies to identify and correct potential biases in perceptions and practice.

Teachers and support staff are the most critical ingredients of high-quality early learning programs. To that end, ensuring that the early childhood workforce is adequately trained, supported, and prepared to help all children excel is a key strategy in eventually eliminating early suspension and expulsion.

This policy on early childhood suspension and expulsion applies to all early childhood programs in North Carolina, regardless of funding sources. The North Carolina Departments of Health and Human Services (DHHS) and Public Instruction (DPI) have regulatory authority for the administration of programs for children birth through five, and therefore are responsible for the implementation and enforcement of this policy. To reduce duplication of regulatory efforts, a joint Memorandum of Agreement will be developed after the necessary rule making actions within DHHS, and amendments to current public school law within DPI, have taken place.

**Definitions**

The following are the definitions for the key terms in this policy statement. While these are recognized definitions of suspension and expulsion, the purpose of this policy statement is to severely limit suspensions without a supportive plan to decrease a child's challenging behaviors and to ultimately eliminate expulsion. Challenging behaviors will be defined as part of Procedures (to be developed).

Suspension

Suspension should be used only for persistent challenging behaviors. Suspension occurs when a child is temporarily removed from his/her assigned early childhood classroom/setting for disciplinary purposes. An administrative decision to reduce the length of the program day for

disciplinary purposes is considered to be a suspension and should only be used: 1) as a temporary step to decrease the frequency of the challenging behavior with the plan to increase the child's participation to the appropriate level of program participation, and/or 2) prior to determining the need to transition a child to another program.

Expulsion:

Expulsion is the action taken by a program permanently dismissing a child from his/her early childhood classroom/setting for disciplinary purposes. Expulsion should be used only as a last resort – when there are extraordinary circumstances where there is a determination of a serious safety threat that cannot be reduced with reasonable modifications.<sup>1</sup>

**Policy Statement**

It is the intent of the North Carolina Department of Health and Human Services (DHHS) and the North Carolina Department of Public Instruction (DPI) to severely limit suspensions without a supportive plan to decrease a child's challenging behaviors and to ultimately eliminate expulsion in early childhood programs serving children birth through five years of age in North Carolina.

Early childhood programs must submit data to the state on the number of suspensions and expulsions. Data shall be reported so that it may be disaggregated by challenging behaviors, gender, race, ethnicity, primary language, and disability. In the event of a suspension, programs must submit documentation<sup>1</sup> with evidence that every effort was made to maintain the child's placement including, but not limited to, implementing evidence based practices to prevent challenging behaviors, consultation with the family, and consultation with available experts.

The Division of Child Development and Early Education (DCDEE at DHHS) and the Office of Early Learning (OEL at DPI) will collaborate on the development of appropriate procedures and the collection of data, as agreed upon in a Memorandum of Agreement, and issue a joint report each year.

Each early childhood program must develop and implement a written plan on how the program will prevent or severely reduce the need for suspension and expulsion.<sup>1</sup> The plan must ensure that families have access to appropriate resources and supports to maintain their child's placement in the program. At a minimum, the plan must include documentation that:

- 1) evidence-based instructional practices to prevent/address challenging behavior will be implemented in the program,
- 2) families will be given the opportunity to discuss their child's challenging behaviors, including options other than suspension and expulsion,
- 3) families will be provided information on child development, as well as resources about referrals for screening and evaluation if a child is suspected of having health, social-emotional, developmental delays or a disability,
- 4) a network of available community resources will be established for program staff and families, and

---

<sup>1</sup> See Suspension and Expulsion Procedures (to be developed)

- 5) procedures to prevent and respond to challenging behaviors will be outlined for classroom staff and administrators.

When a child with an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) exhibits persistent challenging behaviors, special considerations must be enacted due to procedural safeguards and due process rights ensured under the Individuals with Disabilities Education Act (IDEA), Parts C and B. For children age birth to three years with an IFSP, the child's Early Intervention Service Coordinator must be contacted to facilitate the development of a plan to address the behaviors in question. For children ages three through five with an IEP who exhibit persistent challenging behaviors, early childhood programs must communicate with the school district's special education program about the behavior as soon as the concern arises. Required documentation must be maintained as to the attempts to address the behaviors and alternate placement plans developed to ensure continuation of special education and related services.

#### **Early childhood program suspension documentation**

Documentation is required if/when the number of hours a child is removed from a program adds up to the equivalent of two days.<sup>2</sup> Documentation must provide evidence that the program has made every effort to maintain the child's placement. See Appendix for suggested steps to include in Procedures.

---

<sup>2</sup> Define "day" for programs differing in the length of operation.

**Next Steps:**

Establish a joint committee of appropriate entities representing all early childhood programs in North Carolina, regardless of funding sources (public, private, and non-profit), providing services to infants, toddlers, and preschoolers aged birth through five to recommend a process for developing uniform procedures for suspension documentation and transition plans with "acceptable variations" (not different expectations) as appropriate for different settings

**Suggested Steps to include in Procedures for Suspension Documentation**

Documentation must provide evidence that the program has made every effort to maintain the child's placement including that they:

- 1) provided families with opportunities to discuss their child's challenging behaviors, including options other than suspension and expulsion,
- 2) conducted an assessment of classroom practices relative to preventing challenging behaviors, and
- 3) implemented evidence-based practices to prevent challenging behaviors and promote social-emotional development for at least six weeks.

If efforts to maintain the child's placement, as outlined above and in procedures, are unsuccessful, and/or immediately after the fourth day<sup>3</sup> of cumulative total time a child has been removed, programs must also document these steps:

- 4) accessed support from community specialists, and
- 5) enacted a recommended individual behavior plan for at least six weeks.

Prior to the tenth day<sup>3</sup> of removal:

- 6) developed a transition plan, with the family's consent, showing the steps for the child's smooth transition into another program.

Other considerations to be developed for procedures:

- [Guidance on Developing a Program Plan for Challenging Behaviors](#)
- [Describing the Problem Behavior with Precision](#)
- Conducting an assessment of current classroom practices
- Documentation of new classroom practices implemented to support an individual child's challenging behaviors

---

<sup>3</sup> Define "day" for programs differing in the length of operation.

- Templates for documenting behavior
- Definitions of “day” for programs differing in the length of operation
- Definitions of in-program and out-of-program suspension
- Examples of how implementation would look across settings, etc.