



Early Childhood Suspension and Expulsion: A Content Analysis of State Legislation

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Abstract

In recent decades, there has been considerable public interest and policy action regarding the issue of exclusionary discipline from early care and education (ECE) settings. While numerous states have pursued legislation to address this practice, the legislation has received scarce empirical attention. Using a qualitative approach, the current study investigated state legislation addressing ECE exclusionary discipline (13 bills from 12 states as of January 2019) based on an existing policy framework with the following domains: Motivating Rationale, Population, Alternatives and Practices, Accountability, Personnel Development, and Financing. The majority of bills recommended reducing or banning the use of expulsion in publicly funded preschools, and many bills offered alternative responses to expulsion, ranging from general responses (e.g., behavioral supports) to specific responses (e.g., early childhood mental health consultation). There was variability in the extent to which bills outlined recommendations for accountability, such as data tracking, and financing or recommended alternative responses. Based on our review of the legislation, the following recommendations were identified to support future legislative advances for this issue: identify developmentally-appropriate, evidence-based practices that curtail exclusionary discipline as well as its disproportionate impact on young boys of color; expand the scope of the legislative protections; incorporate mandates related to funding and enforcement; collect data; and include stakeholders when crafting and evaluating legislation.

Keywords Early care and education · Preschool · Exclusionary discipline · Discipline

Introduction

In 2005, a landmark national study revealed not only that young children were being expelled from state-funded pre-kindergarten programs, but that it occurred at a rate that was three times higher than that for K-12 schools (6.7 per 1000 versus 2.1 per 1000, respectively; Gilliam 2005). Pre-kindergarten is one of a range of settings that are broadly referred to as early care and education (ECE), a broad term that includes programs for children ages 0–5, including

childcare centers and preschools, Head Start centers, home care, private faith-based programs, and universal prekindergarten (Kagan et al. 2007). Motivated by the Gilliam (2005) study, subsequent research has shown that exclusionary discipline, which includes suspension and expulsion, occurs frequently in other ECE settings (Giordano et al. 2020; Hooper et al. 2020; Silver and Zinsler 2020; Zeng et al. 2019), and it disproportionately affects young boys and children of color (U.S. Department of Education 2016; Zeng et al. 2019). Exclusionary discipline predicts negative educational and social-emotional outcomes (Noltemeyer et al. 2015), and there is mounting evidence that it can be prevented (Hepburn et al. 2013). A number of states have proposed and/or passed legislation in recent years aiming to curb or eliminate suspension and expulsion in ECE. However, it is not yet known whether existing state-wide legislation is comprehensive or effective at reducing rates of suspension and expulsion. This study investigates state legislation on early suspension and expulsion in order to provide recommendations for future legislation.

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The Evidence Regarding Expulsion in ECE Settings

Numerous studies have documented the high and disparate rates of suspension and expulsion from ECE nationwide (Gilliam 2005; Office for Civil Rights 2014; National Survey of Children's Health 2016; Zeng et al. 2019). Specifically, using parent-reported data from both private and public preschool settings, the 2016 National Survey of Children's Health revealed that approximately 0.2% of all children in preschool (or 17,000 children) were expelled and 2% of preschool children (or 174,309 children) were suspended in one year, with roughly 250 daily suspensions or expulsions. Similar high and disparate rates of expulsion are seen in a nationally representative sample of home-based childcare settings, 13.3% of which reported expelling a child in the last year (Hooper et al. 2020). Of note, these statistics may underestimate the scope of the issue because there is no central data collection platform across ECE settings and because data may not include "soft expulsions," whereby ECE settings may exclude a child without reporting it as an expulsion (Zinsser et al. 2019). For instance, staff may strongly suggest that the parents transfer the child because their needs are not being met in the current setting, and/or they may send the child home every day for their challenging behavior.

Exclusionary discipline from ECE settings is a social justice concern because it disproportionately affects young children of color in terms of rates of school discipline (Meek and Gilliam 2016), as well as length of disciplinary consequences (Anderson and Ritter 2018). Specifically, Black children in preschool are 3.6 times more likely to receive at least one out-of-school suspension compared to white preschool children (U.S. Department of Education Office for Civil Rights 2016). In another recent study of 300 community-based childcare centers in one state, Black/African American children were 3.27 × more likely to be expelled than other students (Giordano et al. 2020), suggesting that racial disparities are similar across types of child care settings. Hispanic children may also be at higher risk for exclusionary discipline than their non-Hispanic peers both in preschool (Zeng et al. 2019) and community-based childcare centers (Giordano et al. 2020). Further, children with disabilities or social-emotional difficulties are 14.5 times more likely to be expelled, controlling for child and family characteristics, than their typically developing peers (Novoa and Malik 2018).

Most, but not all, expulsions are prompted by challenging child behaviors (Garrity et al. 2019), however there are a number of factors above and beyond children's challenging behaviors that predict their risk for expulsion. For example, research suggests that many ECE teachers and schools feel underprepared to manage these challenging

behaviors in young children (Hemmeter et al. 2008). As a result, they may use expulsion as a management tactic, despite reporting feelings of failure and regret after resorting to this option (Martin et al. 2018). In fact, risk for exclusionary discipline has been linked to teachers' perceptions that children's behaviors are disruptive to the learning environment, teachers' fears of being held accountable for student behaviors that may harm self or others, and teachers' stress caused by the behaviors (Gilliam and Reyes 2018). Exclusionary discipline decisions may also be affected by teachers' implicit biases (Clark and Zygmunt 2014). For instance, Gilliam et al. (2016a, b) used eye-tracking technology to demonstrate that teachers were more likely to look at African-American boys (and boys of any race or ethnicity) when prompted to expect challenging behaviors among a group of preschoolers (Gilliam et al. 2016a, b). Because the decision to expel a child is made by adults, it is essential to focus on teachers' and administrators' perceptions of child behavior. Finally, exclusionary discipline may reflect systemic factors, such as unclear discipline policies or a lack of funding for social-emotional supports. With older children, school-level factors, such as the socioeconomic status of the school and disciplinary norms are associated with a student's risk of receiving a suspension or expulsion (Theriot and Dupper 2010; Hemphill et al. 2014; Barnes and Motz 2018). This research suggests that in order to address the high rates of suspension and expulsion in schools, particularly ECE, it is important to focus not just on student behaviors but also on the contextual factors that contribute to these disciplinary practices.

Outcomes and Alternatives to Early Expulsion

Despite being a relatively common response to challenging behavior, there is no evidence that expulsion helps to decrease challenging behaviors (Curran 2016) or that suspension is beneficial to the non-suspended classmates (Lacoe and Steinberg 2019). The practice of suspension and expulsion conflicts with established knowledge for supporting children's social-emotional wellbeing, which emphasizes the importance of teacher-child relationships, positive behavioral supports, and family engagement. In fact, there is growing evidence with older children that exclusionary discipline predicts future discipline (Raffaele Mendez 2003), decreasing math and reading achievement (Lacoe and Steinberg 2019), and incarceration (Barnes and Mott 2018), and may exacerbate early academic and social-emotional disparities, disengagement from school, and diminished educational opportunity (Noltmeyer et al. 2015; Skiba et al. 2014; Welsh and Little, 2018). Children who are expelled are also deprived of the benefits of ECE such as needed developmental services (Meek and Gilliam 2016), and

parents' ability to work may be compromised by their children's sudden exclusion from ECE (Southward et al. 2006). Because ECE attendance is not required by law as it is for K-12 education, young children may not be entitled to educational alternatives if expelled. Caregivers of children who are expelled from ECE are likely to simply enroll the child in another ECE setting. In this cycle, children are not provided behavioral supports but instead are required to assimilate into a new ECE setting, from which they may potentially be expelled again.

Emerging evidence indicates that several interventions—including Infant and Early Childhood Mental Health Consultation (IECMHC) and Positive Behavioral Interventions and Supports (PBIS)—were associated with reduced rates of exclusionary discipline in ECE as well as reduced child externalizing behavior (Bradshaw et al. 2010; Gilliam 2005; Gilliam et al. 2016a, b; Hemmeter et al. 2016; Hepburn et al. 2013; Vincent et al. 2011). Importantly, access to such interventions is limited based on state and local funding allocation for such supports, so many children at risk for expulsion do not currently have access. In IECMHC, mental health consultants have regular consultation visits with ECE teachers and directors (or other adults working with young children) in which they build a partnership to enhance staff capacity to address challenging behaviors and promote a healthy social-emotional climate (Cohen and Kaufmann 2005; Substance Abuse and Mental Health Services Administration 2014). Consultation may include modeling strategies to address targeted goals as well as reflection upon the origins of children's behavior, adults' attributions of those behaviors, and cultural and structural influences. In PBIS—also referred to as the pyramid model—teachers are trained to use a tiered approach to supporting child social-emotional development. This model includes universal supports for all children (e.g., positive relationships, social-emotional curricula), as well as individualized supports for some children with social-emotional needs. Broadly, these interventions suggest that expulsion prevention may be possible when supports are provided for: (1) understanding and responding effectively to challenging child behaviors; (2) improving classroom climate and social-emotional curricula; and 3) providing teachers with emotional support.

ECE Expulsion Policy Responses

The current ECE suspension and expulsion practices reflect the confluence of past and current policies. Rates of suspension and expulsion increased exponentially in the 1970's alongside the adoption of “zero tolerance” policies in K-12 schools (Curran 2016) and have continued to remain high (Losen et al. 2015). Paradoxically, zero tolerance policies did not lead to decreased perception of behavioral challenges in schools, despite increased exclusion of children

with challenging behaviors (Curran 2016). Further, few interventions were provided for children with challenging and/or trauma-related behavior and children of color were disproportionately affected (American Psychological Association Zero Tolerance Task Force 2008; Curran 2019; Skiba et al. 2011).

The impact of zero tolerance may have extended to ECE settings, as evidenced by the high rates of exclusionary discipline in ECE. There is great variability in disciplinary policies and practices across ECE contexts (Garrity et al. 2016), and enacting regulations across them is difficult because ECE has been referred to as a “non-system” with wide variability in its governance, leadership, and funding compared to K-12 education (Kagan et al. 2007). Despite these challenges, there has been noteworthy progress in state and federal policy towards expanding supports for ECE. In recent decades, state and federal policymakers have demonstrated widespread and bipartisan support for ECE and early intervention, despite disagreements regarding funding streams (Guarino 2018). They have cited research about the value of early childhood enrichment as a promising avenue for supporting development throughout the lifespan and for reducing inequities. Indeed, high-quality early childhood programs have been shown to reduce opportunity and achievement gaps based on race/ethnicity and income (Heckman and Masterov 2007), and these programs have been found to have sizeable returns-on-investment of 7–10% (Heckman et al. 2010). With the growing evidence base, the momentum in early childhood policy has yielded impressive progress, including a marked expansion in universal prekindergarten among states and continued investment in Head Start from the federal government (Magnuson and Shager 2010).

It stands to reason that policymakers who support ECE investment would want to prevent children from being removed from the benefits of ECE via expulsion or suspension. Some federal agencies have enacted policies aimed at addressing the issue of ECE suspension and expulsion. Most notably, Head Start Performance Standards specifically ban exclusionary discipline in Head Start centers and mandate access to mental health consultation at each center (Administration on Children and Families, Office of Head Start, 2016). Other federal action has included the reauthorized Child Care Development Block Grant, which mandated that grantees make public their discipline policies (Administration on Children and Families and Office of Child Care 2014), and the Individuals with Disabilities Education Act (1990), which established that no child could be expelled for challenging behaviors stemming from their diagnosed disability. These policies recognize the detrimental impact of early suspension and expulsion on children's well-being and the need for alternative policies and practices to reduce disparities.

Despite these measures, there has been no comprehensive federal legislative action on exclusionary discipline from ECE, despite calls from federal agencies and professional organizations to do so. In 2016, the National Association for the Education of Young Children released a joint statement along with 33 other prominent organizations, including the American Academy of Pediatrics, Zero to Three, the National Head Start Association, and the Children's Defense Fund arguing for the elimination of suspension and expulsion in ECE (National Association for the Education of Young Children 2016). In 2016, the Department of Education and Department of Health and Human Services collaborated on a policy statement opposing exclusionary discipline from ECE and proposing evidence-based alternatives (U.S. Department of Health and Human Services and U.S. Department of Education 2016).

While individual ECE programs may change their discipline policies, large-scale action is necessary to bring about systematic change to protect all children from exclusionary discipline. In response to the issues presented above, a growing number of states have proposed or passed legislation limiting or eliminating the use of exclusionary discipline in preschools. In 2015, Connecticut became the first state to pass legislation banning suspension and expulsion from publicly funded preschools, and a slew of states have followed suit. However, it is not yet clear what components are necessary for crafting comprehensive state-wide legislation addressing preschool exclusionary discipline.

Current Study

The current study employs a qualitative approach to examine nuances in the complex issue of ECE exclusionary discipline legislation, which is poorly understood relative to K-12 education policies. Analyses of state-wide legislation can be particularly useful for informing policy changes within educational settings (Eyler et al. 2010). The primary aim of this study was to describe current state legislation seeking to limit or eliminate ECE suspension and expulsion and develop recommendations based on existing legislation and research. Our qualitative approach to describing the contents of such legislation captures the range and complexity of attempts to curtail exclusionary discipline for our youngest learners, yielding implications for future legislation and further research. Ultimately, the purpose of this work is to inform the development of more comprehensive future legislation to promote the well-being of young children in ECE.

Methods

To guide our qualitative analysis, we employed an approach similar to that used by recent qualitative legislative reviews (Neumerski and Cohen 2019) and analyses of

evidence-based decision making (Palinkas et al. 2018). First, we adapted a theoretical framework to guide development of the legislation inclusion criteria, initial codebook, and thematic analysis. Next, we conducted a systematic search to identify relevant legislation. Third, we iteratively developed a codebook. Finally, we identified themes through the constant comparative method. Each analytic stage is detailed below.

Policy Analysis Framework

In the small extant literature of school policy analyses, policy frameworks have been applied to inform research design and structure research findings (Eyler et al. 2010; Roach et al. 2002); however, analyzing legislation within peer-reviewed formats is rare (Eyler and Dreisinger 2011). The analytic framework for the current study was based on an existing framework that evaluated the implementation of school-based policies (Eyler et al. 2010; Roach et al. 2002). The existing framework focused on analyzing policies or programs that had already been passed and were being actively implemented. To inform efforts in crafting comprehensive legislation, our focus was on the early stage of the legislative process during which legislation is being proposed but has not yet passed. To extend existing frameworks to accommodate this focus, we added a key domain to a policy implementation evaluation framework (Roach et al. 2002): *Motivating Rationale*. The inclusion of this domain aimed to capture the values and contextual characteristics that shaped the development and passage of preschool exclusionary discipline prevention bills. Thus, the final framework included seven domains: Motivating Rationale, Population, Assessment, Alternatives and Practices, Accountability, Personnel Development, and Financing (see Table 1 for definitions for each domain).

Similar domains have been used in previous school legislation evaluations. For example, Eyler et al. (2010) reviewed the strength of physical education legislation in schools based on a number of implementation domains, including compliance (namely whether there is an oversight component of the legislation implementation), assets (i.e., funding), authority (the person who enacted and sponsored the bill), control (namely how compliance to the legislation would be monitored and enforced), and the use of an evidence base. Specifying funding, evaluation, and enforcement of legislation may increase the impact of a bill (Nguyen et al. 2012) and should thus be specified when crafting and evaluating legislation. Our domains of Financing, Assessment, and Accountability, respectively, align with these important evaluation domains. For example, financing is especially important to review, as providing funds to support legislation implementation such as administrative support and evaluation activities may help to reduce barriers to successful

Table 1 Definitions of terms

Term	Definition
Motivating Rationale	Reasons given for why the bill is necessary and motivating a call to action. This category details the broader framework of understanding about the problem of exclusionary discipline. This category also includes a description of the scope of the problem <i>within the local context</i> (e.g. <i>state, city, school district</i>), including the frequency, duration, and rates of expulsion in the local context, as well as any tracked disparities or previous efforts related to the stated problem.
Population	Definition of the targeted disciplinary action (exclusionary discipline, expulsion, suspension), as well as the students for whom and the contexts for which the legislation applies or does not apply (i.e., those who are included or excluded from any protections, those for whom the proposed legislation requires reporting).
Alternatives and Practices	Proposed alternative to exclusionary discipline, including discrete evidence-based interventions or general interventions such as alternative disciplinary strategies that keep children in school. Proposed alternative practices focus on <i>actions or processes</i> that could be taken to improve outcomes or to support the implementation of proposed alternatives (e.g. evidence-based alternatives to expulsion, parental involvement and notification, etc.).
Personnel Development	Suggested or required activities that should be undertaken by those responsible for the supervision and education of children, including teachers, teaching assistants, administrators, and school staff. This can include specific trainings as well as generalized topics that should be prioritized for improved understanding and education surrounding exclusionary discipline, such as the role of trauma in child behavior.
Accountability	The metrics that will be utilized to determine the success of the proposed legislation in reducing exclusionary discipline, as well as the individuals responsible for reporting these metrics, required data systems, designated bodies for reviewing metrics, and reporting timelines.
Financing	The discrete or general funding source(s) to support implementation of the proposed activities, bodies responsible for determining funding eligibility, timeline for funding availability, and exceptions to funding eligibility.

implementation and promote the use of evidence-based practices, particularly for legislation aimed at changing school policies (Budd et al. 2012).

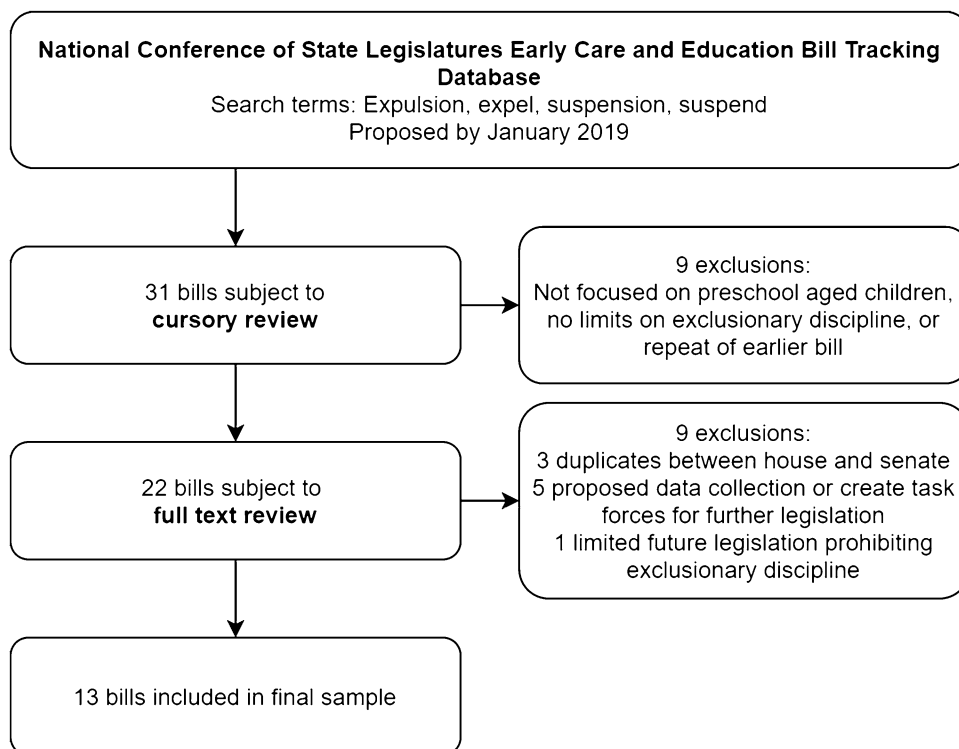
Systematic Search

We developed a systematic search to identify proposed or passed legislation related to ECE exclusionary discipline in the National Conference of State Legislatures Early Care and Education Bill Tracking Database (<https://www.ncsl.org/research/human-services/early-care-and-education-bill-tracking.aspx>). This database includes weekly updates of early care and education legislation for all 50 states, the District of Columbia, and U.S. territories, making it the most comprehensive database of legislation related to early care and education. We included the following key search terms related to exclusionary discipline in the search: “expulsion,” “expel,” “suspension,” and “suspend.” We included bills if they had been proposed or passed by January 2019, explicitly mentioned prohibiting or limiting exclusionary discipline including in and out-of-school suspension or expulsion, and included ECE populations. We excluded bills if they did not mention the prohibition or limitation of exclusionary discipline or did not explicitly include the ECE population (e.g., bills targeted older children). We also excluded bills that were minimally revised from prior versions that had failed to pass, such as including updated dates or non-substantive language changes, and we only included the most recent

version if multiple versions of the same bill were identified. Similarly, if a version of the bill was proposed by both the House and Senate, we only included the most recent version.

As of January 2019, we identified thirty-one bills from twenty-two states and reviewed them for relevance (Fig. 1). We retrieved full-text versions of the bills from either the database or a secondary search in Legiscan or Google. Upon executive summary or cursory review of the full text, we excluded nine bills due to either a focus on non-ECE children, failure to explicitly prohibit or limit exclusionary discipline (e.g., focused on screening for disruptive behavior), or because they were earlier versions of an included bill. Upon detailed full-text review, we excluded three bills that were duplicates between the House and Senate versions of the same bill in the same year (MA H 2010, IL S 1557, DC B 1 Act 12). Five bills proposed data collection requests or creation of task forces to study ECE suspension and expulsion rather than limiting or prohibiting exclusionary discipline; we excluded these bills from the full sample but set them aside for an informal subgroup analysis. Finally, we excluded one bill (ME H 811) because it aimed to limit the development of future legislation prohibiting ECE expulsion (except in cases of discrimination) instead of limiting or prohibiting expulsion. When coding, we did not include text that had been stricken through, as this indicated that the text had been included in a previous version of the legislation but was not included in the current legislation.

Fig. 1 Sample derivation flowchart



Codebook Development

As is common in a priori content analysis coding, the broad coding domains were established prior to the analysis and were subsequently tightened to ensure that categories were mutually exclusive (Stemler 2001). We developed an initial codebook by extracting in-vivo text from the bills and applying a preliminary category to each excerpt, classifying each excerpt within one of the seven framework domains: Motivating Rationale, Population, Assessment, Alternatives and Practices, Accountability, Personnel Development, and Financing (Roach et al. 2002). Alternating pairs of all five co-authors coded this initial text and developed an initial list of codes and themes within each framework domain. All five authors then met to refine the codes and themes developed by each pair into a final codebook reflecting group consensus on framework domains, and associated themes and codes. Next, each bill was assigned to a coding pair to independently code using the final codebook. Pairs then met independently to ensure that all relevant excerpts were identified and to reconcile any discrepancies, then presented the final codes back to the group. For any discrepancies that could not be reconciled by the pair, this was brought back and presented to the group for consensus. Based on existing guidelines for content analysis (Crowe et al. 2015) we tallied the frequency that each code appeared for each bill, as a check on reliability across both coders. The team's use of double-coding ensured reproducibility, or ensuring that

the same text was categorized the same by different people (Stemler 2001).

Coding pairs also gave bills binary codes to describe aspects of content, structure, and context (specifically, whether the bill included a definition of expulsion or suspension, whether each bill passed or failed, and whether there was partisan control of the legislature at the time the bill was introduced), with arbitration by the group as needed. All coding took place in an online spreadsheet software (Google Sheets) in order to allow the research team to maintain version control.

Thematic Derivation

Thematic analysis occurred through both deductive and inductive processes (Joffe and Yardley 2004). As described above, we initially derived deductive themes within the motivating framework by placing in-vivo text within relevant framework domains. We further identified and refined themes during three rounds of code de-duplication and clustering (two rounds of paired, group coding and one round of individual coding). After three rounds of code application to in-vivo text, one research team member combined duplicate codes. They then identified an emergent set of themes within each domain based on code clusters (inductive). A second team member then reviewed these themes to ensure agreement on theme clarity. Finally, the entire research team reviewed the themes to reach consensus on (a) which codes

were grouped under a given theme and (b) framing of the selected theme. Some codes did not fit within a code cluster and were thus left as stand-alone codes that would be used to narratively define the overall domain. Ultimately, we identified 36 themes across the seven framework domains. After deriving the themes, we re-incorporated the *Assessment* codes within the *Motivating Rationale* domain because assessment of the scope of the problem was often employed as the impetus for the legislation. This decision is aligned with the current study's repurposing of an existing theoretical framework for an earlier stage of evaluation prior to full implementation.

Results

Our final sample consisted of thirteen bills from twelve states. The majority of the bills passed ($n=9$), three bills failed, and one bill was still pending as of January 2019. Two bills originated from one state (Georgia) in which legislation had not passed in 2015 but then did pass in 2018; both bills were included because of substantial changes in the second version. Proposal dates ranged from 2015 to 2018 (see Table 2), and all originated in an Education or Health/Human Service committee. Bills were proposed by both Republican ($n=5$) and Democratic ($n=7$) controlled

Table 2 Bill information overall

State	Year introduced	Party control	Passed	Language (prohibited or limited)	Population	Preschool
Colorado	2017	Split	No ^A	Prohibit expulsion, Limit suspension	Preschool through 2 nd grade in charter or public school	School district, board of cooperative services, charter school, or public preschool program (enrolling entity)
Massachusetts	2017	D	Pending	Limit suspension and expulsion	Preschoolers	"Preschoolers" in title
Illinois	2017	D	Yes	Prohibit expulsion	Children in state-funded or state-licensed early childhood programs (birth to age 5)	State-funded or State-licensed early childhood programs
Maryland	2017	D	Yes	Prohibit expulsion Limit suspension	Prekindergarten through 2 nd grade in public schools	Public schools (prekindergarten)
DC	2015	D	Yes	Prohibit expulsion and suspension	Public prekindergarten	Publicly funded prekindergarten program
California	2017	D	Yes	Prohibit expulsion	Public preschool	Contracting agency, state preschool program
Georgia ¹	2015	R	No	Prohibit suspension and expulsion	Pre-K & Kindergarten	Public educational institution (preschool)
Georgia ²	2018	R	Yes	Limit expulsion & suspension	Pre-K through 3rd grade	A public preschool, a Pre-K program in a public school
Texas	2017	R	Yes	Prohibit suspension	Below 3rd grade	School district and open-enrollment charter school
Virginia	2018	R	Yes	Prohibit expulsion, limit suspension	Pre-K through 3rd grade	Public preschool
Connecticut	2015	D	Yes	Prohibit suspension and expulsion	Pre-K through 2nd grade	A local or regional board of education, state or local charter school or inter-district magnet school that offers a preschool program
New Jersey	2016	D	Yes	Prohibit expulsion and suspension	Pre-K through 2nd grade	School district or charter school
Ohio	2017	R	No	Prohibit expulsion, limit suspension	Pre-K through 3rd grade	Pre-kindergarten, public schools

^ANew bill (HB19-1194) passed as of 5/13/2019

Colorado: H.R. 17-1210, 2017; Massachusetts: Mass. S. 2255, 2018; Illinois: Ill. H.R. 2663, 2017; Maryland: Md. H.D. 425, 2017; Washington DC: D.C. Council 150, 2015; California: Cal. Assemb. 752, 2017; Georgia¹: Ga. H.R. 135, 2015; Georgia²: Ga. H.R. 17-1210, 2018; Texas: Tex. H.R. 674, 2017; Virginia: Va. S. 170, 2018; Connecticut: Conn. S. 1053, 2015; New Jersey: N.J.S. 2081, 2016; 2015; Ohio S. 246, 2017

legislatures, as well as one split legislature. Although we did not restrict our review to legislation solely focused on publicly funded ECE programs, the majority ($n = 11$) mentioned that the bill was specifically focused on school districts and/or public/state preschool programs. There was considerable variability in the level and type of detail included among each of the coding domains, reviewed in detail below. The Appendix depicts select themes associated with each domain.

Motivating Rationale: Why Do Legislators Care?

The motivating rationale themes were centered around the long-term benefits of early care and education, the long-term negative impacts of exclusionary discipline, and concerns about both the general rates of exclusionary discipline within the ECE setting and disparities in exclusionary discipline rates based on age, gender, or race/ethnicity.

Numerous bills highlighted the long-term benefits of ECE, including positive effects on children's development, health, relationships, and academic success. For example, California's bill discussed benefits of preschool on academics, particularly for low-income youth:

Given the well-established evidence on the benefits for young children attending a high-quality preschool program --particularly for closing the achievement gap between low-income students and their middle- and high-income peers --it is deeply concerning that expulsions occur at such a high rate, affecting children and their families at a crucial time in their development. (Cal. Assemb. 752, 2017)

Similarly, Colorado noted the impact of preschool on children's academics and health, stating:

"Children in preschool and early elementary years are at a critical stage of development, and a child's early experiences in school have a dramatic impact on the child's health and future success in school" (Colo. H.R. 17-1210, 2017)

Of note, both of these bills mentioned the key developmental stage of early childhood, which reflects an awareness of the unique impact of this developmental period on later well-being.

Other bills mentioned the long-term negative consequences of disciplinary actions on children's school engagement, relationships, education, health, development, and access to services. One bill also included evidence concerning the contribution of suspension and expulsion to cycles of inequity, noting that:

"a joint statement from the National Association for the Education of Young Children and over 30 national

early childhood organizations states that while young children thrive in the context of stable and supportive relationships with adults, the expulsion of a child from preschool threatens the development of those positive relationships, disrupts the learning process, and instigates a negative cycle that increases inequality and denies the child and family access to much needed supports" (Cal. Assemb. 752, 2017).

The high population-level rates exclusionary discipline from ECE, as well as the racial/ethnic and gender disparities among these rates were frequently cited. More than one bill cited national findings that young children were three times more likely to be expelled frequently than older children (Gilliam 2005), and national rates of racial/ethnic and gender disparities (U.S. Department of Education Office for Civil Rights 2014) were often used to highlight these disparities. In addition to national data, local data were at times employed to establish the scope of the problem locally and to ostensibly establish a sense of need within a particular state or jurisdiction. For example, Illinois noted state statistics from 2002 that over 40% of childcare programs in Chicago have asked a child to leave, often because of aggressive and behavioral problems (Ill. H.R. 2663, 2017).

Population: Who and What is Covered Under the Bill?

As noted in Table 1, we coded the bills for who was covered under the scope of the legislation (e.g. child age, additional protected populations) as well as the definitions and parameters of the targeted disciplinary action (e.g. which exclusionary discipline response was being targeted, limitations to the legislation in terms of which exclusionary discipline was allowed). Only one of the bills (Ill. H.R. 2663, 2017) covered children younger than three-years-old, expanding coverage to all ECE settings (capturing ages 0–5). The age of children covered in the other bills ranged from preschool only to preschool through grade three (see Table 2). Three bills (Massachusetts, DC, and California included only preschoolers (D.C. Council 150, 2015; Cal. Assemb. 752, 2017; Mass. S. 2255, 2018) while one of the proposed bills in Georgia applied to preschoolers and kindergarteners (Ga. H.R. 135, 2015). The remainder of the bills covered children up to grades two or three.

Six bills provided explicit definitions of exclusionary discipline, suspension, or expulsion. Of note, when provided, there were differences in the definitions of suspensions and expulsions in terms of key components of the disciplinary response, including length of time, as well as which activities were prohibited to excluded students (see Table 3). For example, D.C. defined suspension as removal from school for an "entire school day or longer" (DC Council 150, 2015)

Table 3 Definitions of exclusionary discipline terms in reviewed legislation that proposed an explicit definition

State/Bill	Term	Definition
IL H 2663	Exclusionary discipline	Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds
TN H 872	Exclusionary discipline	“[E]xclusionary discipline” means any type of school disciplinary action that removes or excludes a student from the student’s traditional educational setting
DC B 1, Act No. 50	Suspension	“Out-of-school suspension” means the removal of a student from school attendance for an entire school day or longer.”
GA H 135	Suspension	Suspension’ means the removal of a student from school attendance for a short period of time
CO H 1210	Expulsion	“Expel” means to discontinue a student’s enrollment in a school district, public school operated by a board of cooperative services, charter school, or state-funded preschool program as a disciplinary response to a student’s actions

while Georgia defined suspension as removal for a “short period of time” (Ga. H.R. 135, 2015). This wording shows subtle differences in terminology related to how suspension is defined, for example in the variations linked to the timing of the consequence.

While all bills focused on changes to exclusionary discipline, there were differences in terms of the specific focus and mandates. As can be seen in Table 2, ten of the 13 bills addressed both suspension and expulsion, while two addressed only expulsion and one addressed only suspension. Among the 12 bills addressing expulsion, ten proposed to *prohibit* expulsion while two proposed to *limit* expulsion. Among the 11 bills addressing suspension, five proposed to *prohibit* suspension, while six proposed to *limit* suspension,

All of the bills that aimed to prohibit expulsion mentioned some sort of exception, or a circumstance in which expulsion would still be warranted. A range of exceptions to the prohibition of expulsion were mentioned. The most common allowable exceptions were for cases in which the child posed a safety threat to themselves or to others. Specifically, six of the bills specifically mentioned that a weapon threat would be grounds for an exception to the policy in the form of allowing expulsion. Another common exception entailed “options exhausted,” meaning that expulsion would be permitted, for example, “*if other appropriate and available behavioral and disciplinary interventions have been exhausted*” (Ill. H.R. 2663, 2017). The “other” options and extent of actions that would constitute “exhausting” options were not always detailed, however.

Alternatives and Practices: What Should Schools Do Instead?

Most bills ($n = 12$) mentioned at least one general or specific alternative intervention or practice that should take the place of suspension or expulsion, although the level of detail of the mentioned practices varied widely. A few states proposed specific prevention and intervention activities (e.g., PBIS, mental health consultation) as alternative practices,

but many relied on non-specific recommendations, such as noting “behavioral interventions” or “interventions prior to referral”. Texas included both specific and non-specific alternatives, noting that such programs must:

...be age-appropriate and research-based, provide models for positive behavior, promote a positive school environment, provide alternative disciplinary courses of action that do not rely on the use of in-school suspension, out of school suspension, or placement in a disciplinary alternative education program to manage student behavior, and provide behavior management strategies including: positive behavioral intervention and support, trauma-informed practices, social and emotional learning, a referral for services, as necessary, and restorative practices” (Tex. H.R. 674, 2017).

A few bills ($n = 4$) also mentioned evaluating for a disability or for services through IDEA as part of a pre-expulsion policy or an alternative to expulsion.

Some bills mentioned integrating formal procedures into pre and post-expulsion policies, such as having a formal expulsion hearing and formal transition plan related to transitioning the child out of the school program and into another learning setting. For example, Illinois’ bill states that in cases where options have been exhausted and a child is to be expelled, “*both the current and pending programs shall create a transition plan designed to ensure continuity of services and the comprehensive development of the child*” (2017). Of note, in the case of Illinois, “planned transitions to settings that are better able to meet a child’s needs” are explicitly not considered expulsions and would thus be allowed under the proposed legislation.

Parent involvement was also frequently mentioned as a component of the bills reviewed, typically in conjunction with a discussion of alternative practices. Bills mentioned a range of parent involvement, from communicating with parents, to consulting with parents and engaging parents in decision making to address struggling children. Parenting supports were also mentioned in some bills, including

interventions targeting parenting skills through parent training and education.

Personnel Development: How Should Staff and Teachers Be Trained?

Six bills (46%) included language related to professional development for school personnel. Requirements included timing of recommended professional development as well as specific training topics. Training topics included supporting and engaging children and families, addressing disparities and fairness in the classroom, as well as promoting classroom and school climate (see Table 4). For example, Illinois noted a range of topics that should be provided to teachers as other personnel in contact with the school system:

School districts shall make reasonable efforts to provide ongoing professional development to teachers, administrators, school board members, school resource officers, and staff on the adverse consequences of school exclusion and justice-system involvement, effective classroom management strategies, culturally responsive discipline, and developmentally appropriate disciplinary methods that promote positive and healthy school climates. (Ill. H.R. 2663, 2017)

The timing of training ranged from once (preservice training) to annually to ongoing, and was prescribed at both the district and state levels. Technical assistance was also promoted, which encompasses continuous, “hands on” approaches to supporting implementation beyond a static training focused on knowledge transferal (Leeman 2017). For example, the bill from Massachusetts noted the need to “reward and incentivize programs to access technical

assistance to support ongoing development of staff and teacher skills for supporting children’s social emotional and behavioral development, reducing disparities and limiting the use of suspension and expulsion” (Mass. S. 2255).

Accountability: How Should Schools Report Their Progress?

Nine bills mentioned mechanisms to ensure accountability to the proposed (or passed) bill. The degree of which processes were mandated for accountability and which metrics would be monitored differed widely, from simply creating a timeline for the bill to be enacted to establishing committees to ensure accountability throughout legislation implementation. Ohio had the most comprehensive accountability plan embedded within its text, which included the establishment of a compliance committee, required reporting, implementation timelines, and guidance around the systematic implementation of the bill and tracking of suspension and expulsion legislation. Ohio also mandated that tracking of suspension and expulsion data for children in grades pre-k through three be “disaggregated by category of offense... and disaggregated within each category of offense according to sex, race, whether the student has been identified as economically disadvantaged, and whether the student has a disability” (Ohio S. 246, 2017). A few other states also discussed reporting requirements, such as reporting the number of planned transitions (Ill. H.R. 2663, 2017) and the types of offenses that receive suspensions and expulsions (D.C. Council 150, 2015).

Financing: How is this Getting Paid For?

Finances were mentioned in seven bills, with substantial heterogeneity in the level of detail. For example, Ohio recommended that when additional mental health services are warranted for a child, school staff may support parents or guardians with finding those services in a “manner that does not result in a financial burden to the school district or school” (Ohio S. 246, 2017), in essence noting that schools do not hold a financial responsibility within the legislation. In contrast, Colorado expands an existing funding stream for at-risk students to include students in preschool, kindergarten and early elementary schools, to which the legislation applies (Colo. H.R. 17–1210, 2017). In fact, Colorado is the only bill that mentions any provision of funding for programs specific to preventing suspension or expulsion. A number of bills, including those from Connecticut and D.C., mentioned providing funding for the purposes of tracking data; Connecticut mentioned a request for grant applications focused on tracking the number of children experiencing behavioral or disciplinary problems (Conn. S.1053, 2015),

Table 4 Personnel development themes

Child and family	Behavioral health
	Early childhood
	Supporting socio-emotional needs
	Social-emotional development
	Trauma (including trauma-informed care)
	Parent training
Disparities and fairness	Family engagement
	Cultural competence
	Implicit bias
School-wide issues	Culturally responsive discipline
	Adverse consequences of expulsion
Classroom issues	Healthy school climate
	Behavior management
	Student participation
	Developmentally appropriate discipline
	Reflective practice
	Classroom management
	Addressing challenging behaviors

and DC required a fiscal impact statement (D.C. Council 150, 2015).

Other Identified Bills

During the full-text review of legislation, we also identified five proposed bills that aimed to develop task forces or to study the issue of ECE suspension and expulsion through data tracking (La. S. Res. 167, 2015; Md. S. 244, 2017; Tenn. H.R. 872, 2017; Me. S. 390, 2015; N.H. H.R. 1145, 2016). These bills were not included in our final sample because they did not seek to explicitly limit or eliminate preschool exclusionary discipline, but will be discussed briefly here because they are relevant to the overall legislative activity currently taking place surrounding ECE exclusionary discipline. For example, New Hampshire passed a bill in 2016 (H. H.R. 1145, 2016) to create a committee charged with studying incidents (including frequency and reason) of expulsions and suspension in licensed preschools and from kindergarten through third grade. The bill also sought to collect discipline policies for relevant schools, to collect resources that could support teachers and schools with high rates of these disciplinary actions, and to collect key information from stakeholders, including information on individuals and organizations with relevant expertise. Similarly, legislators in Maine proposed a bill that failed to pass that proposed a committee to explore existing policies, resources, and data related to suspension and expulsion in early care and education settings (Me. S. 390, 2015). This bill also charged the task force with developing a range of recommendations, including training and staff competencies, system-wide collaborations, parent education, policies, and legislation that could reduce suspension and expulsion in preschools.

Two other states, Maryland and Tennessee, have also proposed legislation related to the creation of task forces; at the time of this study, the legislation had passed in Maryland but not in Tennessee. In a similar vein but with important implications for the development of relevant legislation, Louisiana proposed (and ultimately adopted) legislation related to collecting information on alternatives to expulsion used by public elementary schools in the state. More specifically, the bill proposes to direct “*governing authority of each public elementary school to report to the state Department of Education regarding all alternative behavioral strategies and interventions utilized to address undesirable student behavior prior to suspending or expelling a child in prekindergarten through fifth grade out of school*” (La. S. Res. 167, 2015). Although not directly related to collecting rates of student expulsion, this bill provides an opportunity to gather valuable information on what schools are already doing to prevent or postpone early suspension and expulsion, which can ultimately inform a discussion of what alternatives may

be most effective as replacements to exclusionary discipline in preschool and elementary school.

Discussion

In recent decades, the issue of ECE expulsion has aroused considerable public interest and, as a consequence, policy action. It is now well established that young children—particularly boys of color—are being deprived of the benefits of ECE, predicting further school disengagement in the future. Without federal legislation regarding exclusionary discipline in preschool and other ECE settings, the onus has been on states to respond to this issue. This study used a qualitative approach to characterize legislation proposed and/or passed prior to January 2019 related to ECE suspension and expulsion. As of the time of this study, only twelve states had done so, and with considerable variability among their legislative mandates and protections, although most related specifically to public preschool programs. We undertook a review of the legislation to date, seeking to identify common elements as well as areas for improvement, to inform recommendations for comprehensive state legislation to protect young learners.

Policy Implications and Recommendations

Results of our analysis have yielded several practical suggestions for future legislation.

Population/Scope

Only one of the bills in this study universally protected young children in that state from exclusionary discipline, which likely reflects the complexity of the ECE system (including licensure and funding streams) as well as lack of sufficient alternative practices. While any regulation of this practice is better than none, only a minority of children are currently protected. More specifically, the population protected in multiple bills included only children in public preschools. These programs do not serve any infants or toddlers, and per data from the 2017 to 2018 school year, include only 33% of 4-year-olds and 5.7% of 3-year-olds (Friedman-Krauss et al. 2019). As national data indicate that young children ages 0–5 in private childcare settings are expelled regularly (National Survey of Children’s Health 2016), this limitation in the legislation leaves many children vulnerable. Our recommendations in this section tie into broadening the scope both of who is covered under the legislation and who is involved in crafting the legislation.

Recommendation: Broaden the Scope of Children Protected Under State Preschool Expulsion Legislation to Include Children in all ECE Settings While it is chal-

lenging to write effective legislation for a complex field such as ECE, policy makers are encouraged to consider two primary mechanisms for impacting public and private centers as well as home-based care: licensure requirements and public funding. Legislators can work with state and national childcare licensing agencies to write in additional requirements for exclusionary discipline restrictions and alternatives. In addition, even centers that are not public may accept public funds, including grant funding and childcare vouchers. Such grants are often given under certain conditions, as described above with Child Care Development Block Grants, and such conditions could include implementing no-expulsion policies.

Recommendation: Include Stakeholders, such as Administrators, Teachers, And Parents, When Crafting and Evaluating Legislation One barrier to implementing preschool suspension and expulsion legislation may be teacher and school buy-in for the legislation. Staff support for interventions and the belief that they will benefit the school climate is associated with improved implementation of interventions within schools (Cook et al. 2015). Incorporating staff in the development of legislation and ensuring that they believe in the efficacy of alternative interventions is an important piece of successful implementation of this legislation within schools.

In fact, in a review of the Illinois preschool legislation, 16% of early childhood program administrators noted that the legislation may impact their hiring practices, such as by making it harder to recruit qualified teachers because of the high stress already associated with the job (Zinsser et al. 2019), which may be exacerbated if the practice of expulsion is not allowed for students with challenging behaviors. Of note, in our review, while about a third of bills incorporated language related to professional development, none of the bills incorporated language related to supporting teachers or addressing teacher stress, self-awareness, or overall well-being. Involving a broader scope of stakeholders in crafting the legislation in order to ensure parents' and caregivers' voices are being represented may reduce unintended consequences such as unfair admission practices and changes to hiring practices.

One way to bring stakeholders into the evaluation of the legislation is to conduct qualitative interviews with preschool administrators, teachers, and caregivers to determine barriers to reducing suspension and expulsion. Qualitative research has identified that caregivers, such as parents and grandparents taking care of their grandchildren, take many formal steps at home and when engaging with schools to mitigate suspensions for youth (Gibson and McGlynn, 2013). Engaging with parents around their strategies for mitigating preschool suspension and expulsion when crafting and evaluating legislation can serve to strengthen the school-to-home link for children and identify alternate and

creative strategies for reducing and eliminating suspension and expulsion.

Alternatives, Practices, and Personnel Development

In terms of alternatives to expulsion, a number of approaches were recommended, ranging from naming specific evidence-based practices (e.g. Positive Behavioral Interventions and Supports, Infant and Early Childhood Mental Health Consultation) to listing a range of supports without clear definitions (e.g., behavioral supports, parent involvement). In addition, some bills recommended implementing procedures to be followed prior to expulsion (e.g., parent-teacher meetings, interventions, hearings) and after expulsion to integrate the child into another setting.

Troublingly, despite the fact that exclusionary discipline is a decision made by teachers and staff who report insufficient training for managing challenging behaviors (Hemmeter et al. 2008), professional development and/or training for ECE staff was not universally recommended. It is likely that many schools are already aware of and implementing non-specific approaches prior to seeking suspension or expulsion (e.g., behavioral supports), and without new resources or interventions, suspension and expulsion rates are unlikely to budge as a result of this legislation. In fact, a recent study found that teachers and administrators may resort to suspension and expulsion after many unsuccessful attempts to help the child and minimize classroom disruption, oftentimes thinking that the child's behaviors are unchangeable after a series of failed intervention attempts (Martin et al. 2018). This is concerning based on the number of bills ($n = 5$) that allowed expulsion when it was perceived that options had been exhausted for supporting the child.

A number of bills mentioned disability services or IDEA evaluations as steps prior to expulsion, perhaps in an attempt to ensure that the legislation is compliant with the IDEA mandate that students are not expelled for behaviors linked to a qualifying disability. Qualitative work on the expulsion experiences of special education students finds that students with disabilities are—despite the federal requirement—often expelled for infractions that do not rise to the level of mandated expulsion and that their infractions are oftentimes a result of classroom conditions, such as being in a classroom with a high concentration of children with behavioral issues (Brown 2012). It may be that being labeled with a disability actually increases a child's risk for exclusionary discipline and thus should not be considered as an evidence-based alternative to suspension and expulsion.

Recommendation: Identify Developmentally-Appropriate, Evidence-Based Practices that can Reduce Or Eliminate High Rates of Suspension and Expulsion and Racial/Ethnic and Gender Disparities Within Those Rates It is important

for researchers and educators to identify evidence-based “best practice” alternatives for preschool suspension and expulsion. In order to support implementation, it is also important to determine ways to make these practices, such as IECMHC, cost-effective and feasible to implement across a range of ECE settings. Identified interventions should target students struggling with challenging behaviors, but especially should incorporate supports and resources for teachers, including coaching and professional development as well as interventions that can decrease their stress. Currently, the two interventions with the strongest evidence for their effectiveness in preventing early childhood expulsion are IECMHC and PBIS. More broadly, because teacher stress mediates the link between social-emotional supports and expulsions, there is evidence to suggest that any interventions to target teacher stress may impact expulsion rates (Zinsser et al. 2017). The construct of teacher stress was not mentioned in any of the bills, indicating a need for increased awareness of the significance of teacher stress on children’s expulsion risk.

In building a toolkit of such services for preschool teachers and other ECE providers, it may also be useful to investigate whether additional interventions developed for older children may be leveraged within early childhood settings to reduce rates of expulsion and suspension for young children. For example, interventions that target the teacher–child relationship, social connectedness, teacher reflective capacity, and trauma-informed classroom practices have been shown to predict reduced exclusionary discipline in K-12 settings (Dorado et al. 2016; Gregory et al. 2016; Henderson and Guy, 2017; Quin 2017). Recent work has identified exposure to trauma and other childhood adversities as significantly linked to suspension and expulsion in preschool (Zeng et al. 2019), demonstrating the value of looking at the impact of trauma-informed and related strategies in preschool. Emphasis should also be placed on studying interventions that aim to eliminate racial and ethnic disparities in school discipline outcomes such as “My Teaching Partner”, a coaching intervention for teachers which was found to increase secondary school teachers’ skills and self-reflection and eliminate racial/ethnic disparities in their discipline referrals (Gregory et al. 2016).

Finances

The level and specificity of funding mentioned within the reviewed bills varied widely, in some cases defining the practices that were mandated to be implemented prior to suspension or expulsion (OH S 246) and in other cases expanding the funding stream to support services for students at risk of disciplinary action (CO H 1210). Much of the funding was related to the tracking of the data, rather than increasing a school’s capacity to actually implement

practices that would keep them in compliance with the legislation. Providing funds for specific aspects of bills may help to reduce barriers to implementation and sustainability of newly implemented practices, particularly for legislation aimed at changing school policies (Budd et al. 2012). To promote the effectiveness of legislation and the use of evidence-based practices, it is valuable to include specific funding for implementation and evaluation of the components of the bills (Nguyen et al. 2012). Even in cases where funding for interventions may be appropriated through separate state or federal-level mechanisms (e.g., federal grants such as Project LAUNCH), it may not be permanent, threatening sustainability of newly implemented interventions.

Recommendation: Incorporate mandates related to funding and enforcement in order to increase the impact of the bill

Mandates related to funding will ensure that schools have the appropriate resources to implement evidence-based alternative strategies and avoid exclusionary discipline. Further, states should work to integrate ECE quality improvement funding with expulsion prevention efforts and to tie funding for the ECE supports into permanent state-level departments (e.g., Departments of Education) rather than depending on grants, which are not permanent. In addition, to build the case for allocating funds, policymakers may cite the high social cost of exclusionary discipline. For example, one study found that the suspensions from 10th grade in the U.S. cost an estimated \$35 billion due to repercussions from school dropout and other consequences of suspension (Rumberger and Losen 2016). Policymakers may also request that states collect data and provide reports regarding the return on investment for implementing evidence-based practices in an iterative loop to build the case for funding, as needed.

Equity

The evidence base clearly establishes that young boys of color are disproportionately victims of exclusionary discipline, initiating a negative developmental cascade that perpetuates disparities and systems of oppression. Given such persistent inequities, it is critical to intervene forthwith to promote equitable school discipline starting in preschool. Notably, racial disparities in suspension and expulsion were often cited in bills, yet few provided suggestions for reducing disparities. This is important because reducing suspension and expulsion overall does not necessarily lead to reductions in disparities within these rate (Anyon et al. 2016). It is critical that states that are tackling ECE suspension and expulsion also intentionally tackle racial disparities.

Recommendation: Mandate Disaggregated Data Collection and Explicit State-Level Plans for Addressing Dispari-

ties Data at the child level should be disaggregated by indicators of disadvantage, such as race/ethnicity, immigration status, primary language, disability status, income level, and rural vs. urban setting. At the school level, data should be collected on indicators such as teacher education and training, population served, and quality rating which may inform a better understanding of school-level risk factors that contribute to disparities. This data can then be used to make decisions about appropriate interventions and goals within schools for reducing disparities. PBIS has a Disproportionality Data Guide that can be used to guide the process of targeting and reducing disparities in school discipline rates (McIntosh et al. 2018).

Accountability

The degree to which bills mandated accountability and data collection within their bills ranged widely, which likely will have consequences for the degree to which programs implement the legislation as well as the extent to which it will be possible to determine success of the legislation. This is particularly important given the known issue of “soft expulsions” and the possibility of unintended consequences (e.g., stricter admissions criteria for centers). Furthermore, without clear consequences for non-compliance, states may continue to expel with impunity and/or to ignore or misunderstand the ban (as was demonstrated in Illinois; Zinsser et al. 2019).

Only a few states have been able to demonstrate tangible results following their preschool expulsion legislation. Illinois has conducted perhaps the most comprehensive examination of its legislation (IL H 2663), passed in 2017. After the implementation of the bill, about half of administrators surveyed from the 154 early childhood programs in the state reported having suspended a child and about a third had expelled a child (Zinsser et al. 2019). Similarly, while Connecticut has noted an impressive reduction in suspensions and expulsions since that state’s ban passed in 2015, rate reductions from over 5000 incidents in 2014–2015 to 1943 incidents in 2017–2018 show that the practice persists (Connecticut State Department of Education 2019). The limited information from most states makes it difficult to determine whether this legislation is, in fact, reducing rates of ECE suspension and expulsion, let alone reducing educational disparities, keeping children in school, and promoting the well-being of young children. In fact, the study of IL H 2663 found a high level of misunderstanding of the legislation among early childhood program administrators, with 32% of administrators reporting misinformation about the law (Zinsser et al. 2019). This suggests that disseminating information about the legislation is not enough to comprehensively alter practices related to suspension and expulsion and that there

is a real need for concrete accountability procedures specified in the bills.

Recommendation: Include Accountability Measures to Evaluate Adherence to and Outcomes Associated with Legislation in Terms of Rates of Reductions in ECE Exclusionary Discipline These accountability measures should focus on identifying processes for collecting and reporting data, including identifying who is responsible for accountability mandates. These processes should also focus on what will be tracked—for example, requiring schools to track both “hard” and “soft” instances of school disengagement—and how the data will be used. This is an area in which community-researcher partnerships may be particularly valuable, as researchers can partner with schools and policy-makers to develop and carry out accountability procedures (Bruns et al. 2016) as well as other components of the legislation.

Limitations

The findings and implications of this qualitative review should be interpreted in light of its limitations. First, the time frame of the review may have excluded some legislation from being included in the analysis. For example, in February 2019, after our review cut-off, Colorado proposed and subsequently passed legislation (CO HB 19-1194) similar to the Colorado bill captured in our review that previously failed (CO H 1210). This bill, and potentially other bills proposed since that time are not reflected in our analysis. However, this study was not intended to capture the real-time state of the country in regards to legislation but rather to identify patterns and differences in a range of bills and to use that to inform recommendations for future comprehensive legislation, which was accomplished within the sample of bills collected. Also related to timing of the legislation, there is a dearth of information on outcomes related to this legislation, in part because the bills included in our study were passed recently (2015 to 2018) and included bills that were passed, pending, and failed. This makes it difficult to determine whether the legislation with recommended components will result in positive outcomes (e.g., fewer suspensions and expulsions, reduced racial disparities in such outcomes, and improved well-being of young children in preschool). Future research is needed to evaluate how the enacted preschool expulsion legislation is related to child well-being outcomes to provide even more explicit evidence related to the specific components and recommendations identified here.

Second, although this study used an adapted policy framework to guide the development of codes, there were some instances in which the framework was not relevant for the bill content (such as in the initial Assessment theme). This may have been due to the policy framework being initially developed for school-based curriculum policies, rather

than school-wide policy shifts and the limited sample of thirteen bills. As future policies are proposed and passed, future research may focus on examining whether the themes used in this analysis fit the data in new legislation or if new coding structures are warranted.

Third, it is possible that coder biases (e.g., attitudes about ECE expulsion, experience in ECE settings, and academic discipline) may have shaped the codes developed in this study. The use of an established evidence-based framework helped to reduce the influence of biases by grounding the coding in an existing policy framework. Additionally, the co-authors reflected a range of disciplines and experience with early childhood settings, and each coding pair was purposefully formed to include different academic disciplines and early childhood experiences to reduce the impact of individual biases. Although two coders worked on every bill, we did not formally measure inter-rater reliability. The inclusion of agreement statistics would have strengthened our discussion of the codes developed within the a priori policy framework domains, but agreement statistics are more important when using emergent coding rather than a priori codes (Stemler 2001).

Finally, this review only captured state-wide bills related to ECE suspension and expulsion and thus does not capture individual efforts or policy changes made by states, cities, school districts, or individual programs. For example, the state of Arkansas Department of Health and Human Services expanded an existing policy in 2016 limiting suspension and expulsion in all ECE programs that accept state child-care vouchers (Connors Edge et al. 2018). Additionally, the majority of bills reviewed in this scan are related to public preschool programs, and some of the recommendations may not be feasible or appropriate to implement to address expulsion in certain private ECE settings. Future research and policy work should consider lessons learned by smaller-scale policy efforts that are also working to reduce or eliminate ECE suspension and expulsion.

Conclusions

Findings from this study suggest that much of the current legislation around ECE exclusionary discipline lacks standard definitions, accountability measures, and disciplinary alternatives. These limitations may make it difficult for school districts to implement such legislation. Based on the findings of this study, the following recommendations are made to support the development and evaluation of comprehensive preschool suspension and expulsion legislation: Identify developmentally-appropriate, evidence-based practices that can reduce or eliminate high rates of suspension and expulsion and racial/ethnic and gender disparities within those rates; expand the scope of

children and ECE settings protected in legislation; incorporate mandates related to funding and enforcement; collect data and make specific state-level plans for addressing disproportionality; and include stakeholders when crafting and evaluating legislation. Future research is warranted to inform the recommendations discussed above, to strengthen understanding of how exclusionary discipline legislation is implemented, and to discern the impact of such bills on child well-being. Implementation of lessons learned as well as ongoing research on best practices may enhance equity in early childhood education.

Appendix: Themes and selected codes

Themes	Select codes
Motivating Rationale	<ul style="list-style-type: none"> Long-term benefits of positive early childhood education Long-term consequence of suspension/expulsion Developmental considerations Types of disparities/disproportionalities Goal/Purpose of legislation Scope of phenomenon in state Data gaps Policy gaps
Population	<ul style="list-style-type: none"> ED allowed (circumstances for which ED permitted) Inclusion (Student type bill applies to) Entities that do not have to comply with legislation Definition of ED provided
Alternatives/Practices	<ul style="list-style-type: none"> Pre-expulsion school policies (Selected/Indicated Prevention) Post Expulsion steps School-level policy practices General expulsion prevention interventions Specific Pre-Expulsion intervention/practices Specific Post-Expulsion intervention/practices Prohibition of expulsion/suspension Planned transitions
Financing	<ul style="list-style-type: none"> Funding source Funding agent Funding timeline Parent based/targeted funding
Accountability	<ul style="list-style-type: none"> Implementation timeline Required reporting: Standards Required reporting: Population served Required reporting: Expulsion related Required reporting: Report recipient

Themes	Select codes
Personnel Development	Training regarding disparities and fairness Support and technical assistance Timing of training Training provider Training on school-wide issues Training on classroom issues Child and family-focused training

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