

STANDARDS IN ACTION

PREVENTING SUSPENSION AND EXPULSION 1302.17 (a) AND (b)



THE CURRENT SITUATION

Tina is a Head Start teacher in an urban setting. She is new to teaching and has concerns about a child in her classroom. DJ is a four-year-old boy with a suspected developmental delay. Nearly every day, when DJ arrives at school, he has a difficult time saying goodbye to his mother and becomes aggressive toward other children after she leaves. Amy, the program's disability services coordinator, stopped by for a visit and asked Tina about the situation. Tina shared her frustration and suggested that the program might not be a "good fit" for DJ. Amy suggested that they take some time to think through the situation and consider some alternative options. She then reached out to Hector, the program's mental health consultant, and asked for some guidance.

THE SOLUTION: FIRST THINGS FIRST

Next Tina scheduled a meeting with Amy and Hector. During the meeting, Hector spent some time with them processing what the situation might feel like from both the child's and parent's perspective. Together, the team considered these questions:

- Think about the situation from DJ's perspective. How do you think he feels when Mom leaves? How might you address those feelings?
- Think about the situation from the parents' or family's perspective. What information and concerns have teachers shared with the family about DJ?
- Collect data to better understand DJ's behaviors. Is the aggression occurring at a certain time of day or only after separation from his mother? Is the aggression limited to certain children or more widespread?
- What strategies have teachers suggested the family try to ease the transition from home to school?
- Have professionals referred DJ for special education and related services?
- What data might staff collect to share during the referral process?

Tina indicated that she knows that she has not had time to discuss the situation fully with DJ's family and only suggested the program might not be "the right fit" because of her initial reaction to the continuing chaotic drop off time and her frustration in not knowing what to do. Hector shared some strategies for Tina to try that might help DJ manage transitions successfully and without aggression. He suggested that she makes sure there are enough staff during drop off in order to provide support for DJ through the transition. He also suggested that Tina have a favorite toy ready for DJ to use when he transitions into the classroom. Another strategy was to plan a favorite morning activity for DJ, or sit with him during the morning snack and make a plan for the day to establish a routine. Hector offered to join Tina in the classroom for a few weeks to try some of these strategies together. The team agreed that those strategies would be great to try, and some additional time would also offer the chance for Tina to collect data about the frequency and intensity of the behaviors to share with the family about her concerns. In the meantime, Tina said that she would ask the family to share some more detailed information about any other separation issues that DJ experiences.



After using the strategies that Hector and Tina implemented in the classroom, the team came together again to share the information that they had collected, the reflections on their observations, and the dialogue with family members about the situation. While Tina said that the strategies were helpful, she shared that the aggressive behavior had continued despite their best efforts. DJ was still struggling to make transitions. Hector agreed. After some discussion, the team agreed that the situation warranted a referral to the Local Educational Agency (LEA) for further evaluation. The LEA would be able to offer support to determine if DJ is eligible for services so the Head Start program could continue to fully support DJ's educational, social, and emotional needs.

DJ's parents signed the permission form for the referral. They also asked for support and ideas to help them make the transition and separation easier for DJ. Amy assured DJ's parents that Head Start is committed to the full inclusion of all children and shared Head Start Program Performance Standards about preventing children's suspension and expulsion and about meeting the individual needs of all children. Amy also shared [Head Start Program Performance Standards 1302.17 \(a\) and \(b\)](#) with Tina. Then Amy reviewed key information in three additional laws.

Individuals with Disabilities Education Act (IDEA) Part B – Assistance for All Children with Disabilities

34 CFR §300.530 through 300.536 (IDEA’s disciplinary protections) and 34 CFR §300.101 and 300.17 Free and Appropriate Public Education (FAPE)

Children with IEPs are eligible to receive services under the [Individuals with Disabilities Education Act \(IDEA\), Part B – Assistance for All Children with Disabilities](#). Programs serving 3- to 5-year-olds must make reasonable modifications to policies, practices, or procedures to protect children with disabilities from suspension or expulsion for disability-related behaviors, unless a program can demonstrate that making such modifications would fundamentally alter the nature of a service, program, or activity. If the child’s behavior impedes the child’s learning, or that of others, the IEP team must consider behavioral intervention strategies, including positive behavioral interventions and supports—strategies like the Pyramid Model that is often used in Head Start.

Section 504 of the Rehabilitation Act of 1973

Section 504 is a civil rights legislation and is not attached to any funding. It protects the rights of individuals with disabilities. Section 504 ensures that individuals with disabilities cannot be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving federal financial assistance. Programs may need to make accommodations to ensure that individuals with disabilities are not excluded, under Section 504.

Americans with Disabilities Act (ADA) Title III: Public Accommodations and Commercial Facilities

Programs provide an equal opportunity to participate in programs and services to children with disabilities and their parents. Children with disabilities and their families cannot be excluded from programs unless their presence would pose a direct threat to the health or safety of others or require a fundamental alteration of the program. Programs must make reasonable modifications to policies and practices to integrate children, parents, and guardians with disabilities into programs unless doing so would constitute a fundamental alteration.

Within two weeks, the LEA told Tina that they had received the signed evaluation consent form from DJ’s family, and planned to schedule his evaluation within the next four weeks.

While waiting to see if DJ qualifies for services from the LEA, Tina scheduled regular meetings with Amy and Hector to reflect on DJ’s progress. She continued to implement their suggested strategies and interventions. The team developed a plan with DJ’s family to address his individual needs, and provide Tina with strategies to support DJ’s social and emotional development. The planning team, with parental input, considered the following questions while developing DJ’s plan:

- Does this behavior occur during other times of separation?
- Are the separation behaviors at school alike or different from those at home?
- What strategies have been implemented at home that help support DJ through other separation situations?
- What modifications might Tina make during drop off to help DJ be successful?

The team determined what strategies and modifications Amy could put into place immediately to include in a plan. Amy planned to document all changes and DJ’s responses to them over time so that they could share the results with the LEA during his evaluation.

Amy requested a consistent volunteer engage DJ in a distraction activity during drop off. These activities will be based on preferred toys, books, and activities.



Mom reported that DJ is very interested in cars and books about cars. Amy planned to have these ready each morning so the volunteer can bring DJ's attention to these items. Items from the plan included:

- Amy will have books available to ease DJ's anxiety. The stories explain that mom or dad will come back.
- Amy will develop a welcome ritual which includes a security or comfort item to calm DJ. She will also work with the family to develop a welcome ritual and choose security objects. These may include a favorite blanket or stuffed animal.
- Amy and Tina will help the family develop a goodbye ritual to reassure DJ that mom or dad will be back. They will also create a reunion ritual to make pick-up a special time and celebrate that they have returned.
- Amy will pair DJ with special friends in "helping tasks" that get the day started, such as helping friends hang up their coats and jackets or helping set the table or snack or breakfast.

What do the Head Start Program Performance Standards (HSPPS) say about child guidance?

1302.90 Personnel Policies

(c) Standards of conduct. (1) A program must ensure all staff, consultants, contractors, and volunteers abide by the program's standards of conduct that:

- (i) Ensure staff, consultants, contractors, and volunteers implement positive strategies to support children's well-being and prevent and address challenging behavior;
- (ii) Ensure staff, consultants, contractors, and volunteers do not maltreat or endanger the health or safety of children, including, at a minimum, that staff must not:
 - (A) Use corporal punishment;
 - (B) Use isolation to discipline a child;
 - (C) Bind or tie a child to restrict movement or tape a child's mouth;
 - (D) Use or withhold food as punishment or reward;
 - (E) Use toilet learning/training methods that punish, demean, or humiliate a child;
 - (F) Use any form of emotional abuse, including public or private humiliation, rejecting, terrorizing, extended ignoring, or corrupting child;
 - (G) Physically abuse a child;
 - (H) Use any form of verbal abuse, including profane, sarcastic language, threats, or derogatory remarks about the child or child's family; or
 - (I) Use physical activity or outdoor time as a punishment or reward.

THE SOLUTION: NEXT STEPS

Tina, Amy, Hector, and DJ's parents continued to meet regularly to address parental concerns and DJ's progress. They met weekly as DJ continued to transition into the classroom and extended the time between meetings as DJ experienced success and the parents were more comfortable with his progress. Hector gave the family resources about separation experienced anxiety, dealing with difficult situations, and referred them to parent groups to help them realize they're not alone in facing this issue.

PREVENTING SUSPENSION AND EXPULSION 1302.17 (a) AND (b)

Amy requested additional professional development to help understand various behavior issues and how she might support children and families more effectively. The team identified online training opportunities to help Amy provide behavior supports to children. Amy began by reviewing the 15-Minute In-Service Suite entitled Child Preferences, which offers strategies to encourage children who need more support to participate.

In addition, Amy and Tina developed a coaching schedule to review these resources, observe practices in the classroom, and reflect on progress and challenges. They agreed on a communication plan and scheduled regular meetings for the planning team and DJ's family to support DJ's success.

WHAT DO THE HSPPS SAY ABOUT SUSPENSION AND EXPULSION?

SUSPENSION	EXPULSION
HEAD START PROGRAM PERFORMANCE STANDARDS	HEAD START PROGRAM PERFORMANCE STANDARDS
<p>Key Provisions of Section 1302.17</p> <p>(a) Limitations on suspension.</p> <p>(1) A program must prohibit or severely limit the use of suspension due to a child's behavior. Such suspensions may only be temporary in nature.</p> <p>(2) A temporary suspension must be used only as a last resort in extraordinary circumstances where there is a serious safety threat that cannot be reduced or eliminated by the provision of reasonable modifications.</p> <p>(3) Before a program determines whether a temporary suspension is necessary, a program must engage with a mental health consultant, collaborate with the parents, and utilize appropriate community resources—such as behavior coaches, psychologists, other appropriate specialists, or other resources—as needed, to determine no other reasonable option is appropriate.</p> <p>(4) If a temporary suspension is deemed necessary, a program must help the child return to full participation in all program activities as quickly as possible while ensuring child safety by:</p> <ul style="list-style-type: none"> (i) Continuing to engage with the parents and a mental health consultant, and continuing to utilize appropriate community resources; (ii) Developing a written plan to document the action and supports needed; (iii) Providing services that include home visits; and, (iv) Determining whether a referral to a local agency responsible for implementing IDEA is appropriate. 	<p>Key Provisions of Section 1302.17</p> <p>(b) Prohibition on expulsion.</p> <p>(1) A program cannot expel or unenroll a child from Head Start because of a child's behavior.</p> <p>(2) When a child exhibits persistent and serious challenging behaviors, a program must explore all possible steps and document all steps taken to address such problems, and facilitate the child's safe participation in the program. Such steps must include, at a minimum, engaging a mental health consultant, considering the appropriateness of providing appropriate services and supports under section 504 of the Rehabilitation Act to ensure that the child who satisfies the definition of disability in 29 U.S.C. §705(9)(b) of the Rehabilitation Act is not excluded from the program on the basis of disability, and consulting with the parents and the child's teacher, and:</p> <ul style="list-style-type: none"> (i) If the child has an individualized family service plan (IFSP) or individualized education program (IEP), the program must consult with the agency responsible for the IFSP or IEP to ensure the child receives the needed support services; or, (ii) If the child does not have an IFSP or IEP, the program must collaborate, with parental consent, with the local agency responsible for implementing IDEA to determine the child's eligibility for services. <p>(3) If, after a program has explored all possible steps and documented all steps taken as described in paragraph (b)(2) of this section, a program, in consultation with the parents, the child's teacher, the agency responsible for implementing IDEA (if applicable), and the mental health consultant, determines that the child's continued enrollment presents a continued serious safety threat to the child or other enrolled children and determines the program is not the most appropriate placement for the child, the program must work with such entities to directly facilitate the transition of the child to a more appropriate placement.</p>

RESOURCES

- [Guidance Document on Expulsion and Suspension Policies in Early Childhood Settings](#)
- [Office of Head Start Expulsion and Suspension Policy Statement](#)
- [Interactive Head Start Early Learning Outcomes Framework: Ages Birth to Five](#)
- [Preventing Suspensions and Expulsions in Early Childhood Settings: A Program Leader's Guide to Supporting All Children's Success](#)
- [Caring for Our Children, National Health and Safety Performance Standards](#)
- [Tips and Ideas for Making Visuals](#)
- [Scripted Stories for Social Situations](#)
- [Social Story Tips and Samples](#)
- [The National Center for Pyramid Model Innovations](#)
- [Early Childhood Systems Technical Assistance Center](#)
- [Children with Disabilities: High Quality Inclusion Series and Highly Individualized Teaching and Learning](#)
- [DEC Recommended Practices](#)
- [Building Partnerships: Guide to Developing Relationships with Families](#)
- [Understanding and Eliminating Expulsion in Early Childhood Programs](#)
- [Preventing and Reducing Suspensions and Expulsions in Early Care and Education Settings \(ECLKC\)](#)
- [Preventing Expulsion From Preschool and Child Care \(ZERO TO THREE\)](#)
- [Reducing Suspension and Expulsion Practices in Early Childhood Settings \(ACF\)](#)

RELATED RESEARCH

- Gilliam, W. S. 2005. “Prekindergartners Left Behind: Expulsion Rates in State Prekindergarten Programs.” Policy brief. Foundation for Child Development. No. 3. New York, NY: Foundation for Child Development.
- Gilliam, W. S. 2008. “Implementing Policies to Reduce the Likelihood of Preschool Expulsion.” Policy brief. Foundation for Child Development. No. 7. New York, NY: Foundation for Child Development.
- U.S. Department of Education. Office of Civil Rights. March 2014. Civil Rights Data Collection: Data Snapshot: School Discipline (Issue Brief No. 1).
<http://ocrdata.ed.gov/downloads/crdc-school-discipline-snapshot.pdf>.
- Schachner, A., K. Belodoff, W.B. Chen, T. Kutaka, A. Fikes, K. Ensign, K. Chow, J. Nguyen, & J. Hardy. 2016. “Preventing Suspensions and Expulsions in Early Childhood Settings: An Administrator’s Guide to Supporting All Children’s Success.” Preventing Suspensions and Expulsions in Early Childhood Settings.
<http://preventexpulsion.org/>.

LAWS AND REGULATIONS

- [Head Start Program Performance Standards](#)
- [Individuals with Disabilities Education Act \(IDEA\) – Assistance for All Children with Disabilities](#)
- [ADA Information Line, 1-800-514-0301](#)
- [Commonly Asked Questions about Child Care Centers and the ADA](#)
- [Protecting Students with Disabilities – Frequently Asked Questions About Section 504 and the Education of Children with Disabilities](#)

