

**Report to The Vermont Legislature**

**REPORT ON SUSPENSION, EXPULSION, AND  
EXCLUSIONARY PRACTICES IN EARLY  
CHILDHOOD EDUCATION SETTINGS**

**In Accordance with No. 166, Section 4:**

**Submitted to:** House Committee on Human Services  
House Committee on Education  
Senate Committee on Health and Welfare  
Senate Committee on Education

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**Report Date:** January 15, 2023



# Legislative Language

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No. 166

**Sec. 4. REPORT AND RECOMMENDATIONS ON SUSPENSION, EXPULSION,  
AND EXCLUSIONARY PRACTICES IN EARLY CHILDHOOD EDUCATION  
SETTINGS**

The Building Bright Futures Council, established in 33 V.S.A. § 4602, shall collaborate with the Agencies of Human Services and Education to define suspension, expulsion, and exclusionary practices in early childhood education settings and to establish best practices for supporting children who face such measures. The work of the Council shall include reviewing available data on exclusionary practices. On or before January 15, 2023, the Building Bright Futures Council shall issue a written report to the Senate and House Committees on Education, the Senate Committee on Health and Welfare, and the House Committee on Human Services detailing its work and findings and making recommendations for legislative action.



## Executive Summary

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S.283/Act 166 (2022) required Building Bright Futures (BBF) to collaborate with the Agency of Human Services (AHS) and the Agency of Education (AOE) to define exclusionary discipline for children under 8, review existing data, establish best practices, and make recommendations for legislative action. BBF convened an interagency workgroup to address the first steps of this charge.

As of January 15, 2023, there was no clarity or agreement on definitions of exclusionary discipline for children under the age of 8. Each Agency has a different interpretation of what it is responsible for under State and Federal law related to exclusionary discipline within UPK settings, including a lack of clarity on who has decision-making authority on definitions, implementation, regulation, monitoring, and communicating about the use of exclusionary discipline in UPK. With more clarity around decision-making roles and authority, and a commitment to collaboration and transparent communication, joint oversight may improve.

The interagency workgroup accomplished the following:

- Building interagency relationships
- Identifying areas of interagency disagreement
- Updating a protocol and process for joint monitoring and disseminating guidance on exclusionary discipline
- Developing an interagency memo to clarify definitions of exclusionary discipline
- Reviewing and discussing available data
- Developing a repository of best practices

Convening the interagency workgroup was the first of many necessary steps in working toward public and private partnership to ensure the inclusion of all children in early childhood education settings. Outside of this interagency workgroup, in order to meet the requirements of this legislatively required report, BBF has outlined the following considerations for policy that resulted from multiple existing reports, recommendations, and qualitative inquiry:

- Address decision-making roles and authority
- Invest in prevention, supportive approaches, and workforce
- Engage and consult families, communities, and professionals in decision-making
- Investigate and develop strategies specifically for vulnerable populations
- Improve technical assistance, monitoring and data integration
- Ensure continued collaboration and progress in preventing exclusionary discipline

*\*Note: Legal counsel from the Vermont Agency of Education and the Vermont Agency of Human Services came to consensus to determine that the scope of work required under No. 166 pertains only to Universal Prekindergarten Education (UPK) settings within the mixed delivery system for children ages 3 to 5.*

*This report was developed by Building Bright Futures. The findings and recommendations of this report do not necessarily indicate the views of Vermont State Agencies.*



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## Building Bright Futures' Role in Vermont's Early Childhood System

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Building Bright Futures (BBF) is Vermont's early childhood public-private partnership charged under Title 33, Chapter 46 and the federal Head Start Act to serve as Vermont's Early Childhood State Advisory Council, the mechanism used to advise the Governor and Legislature on the status of children in the prenatal period through age 8 and their families. State statute charges BBF with maintaining and monitoring the vision and strategic plan for Vermont's early childhood system. BBF's mission is to improve the well-being of children and families in Vermont by using evidence to inform policy and bringing voices together across sectors and within regions to discuss critical challenges and problem-solve.

The Building Bright Futures State Advisory Council (SAC) does not directly support or oppose any specific proposal or bill. Our role is to serve as an independent, quasi-governmental entity to convene key stakeholders; elevate the voices of families and communities; monitor the system by identifying and providing high-quality, up-to-date data to inform policy and decision-making; and advise the Governor and Legislature by making recommendations that move the early childhood system toward the four goals identified in Vermont's Early Childhood Action Plan (VECAP).



## Overview

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Research has consistently demonstrated the importance of high-quality early childhood education settings for children’s social emotional development and readiness for learning. One barrier to ensuring the full participation of each and every child is the use of exclusionary discipline practices. On May 18, 2021, Governor Scott signed Act 35 into law.<sup>1</sup> The Act created new restrictions around the application of exclusionary discipline practices to public school students under age 8. On June 1, 2022, the Governor signed Act 166 (S.283) into law.<sup>2</sup> This act expanded the restrictions that were articulated in Act 35 to include students under age 8 attending independent schools and prequalified private universal prekindergarten education programs. The 2021 passage of Act 35, which prohibits exclusionary discipline (broadly defined as suspension and expulsion) for children under age 8, has led to an increase in the attention to the use of exclusionary discipline as well as prevention and mitigation strategies in early childhood settings. Additionally, recent concerns about exclusionary discipline practices have been elevated with respect to children with disabilities, children eligible for free and reduced lunch, and children with mental, emotional, and behavioral health issues, which are currently on the rise in terms of acuity and frequency.<sup>3</sup>

### **Stakeholder Concerns about Exclusionary Discipline Challenges in Early Childhood Settings**

Concerns about exclusionary discipline have been magnified since the passage of Act 35, continuous monitoring by the Agency of Education (AOE), and the increase in mental, emotional, and behavioral health issues over the course of the COVID-19 pandemic.<sup>4</sup>

While The Task Force on Equitable and Inclusive School Environments was established by Act 35, its focus was on the full PreK through grade 12 system. Resulting recommendations dedicated specifically to the early childhood period were limited.<sup>5</sup>

Stakeholders across Vermont’s early childhood system have identified three primary concerns related to the use of exclusionary discipline in early childhood settings: 1. Preventative support is urgently needed for children and early childhood educators, 2. Lack of clear communication about current guidance, and 3. Opportunities for stronger alignment with early childhood best practices and consultation with early childhood stakeholders. Additionally, early childhood stakeholders have raised concerns related to documentation, consequences for the use of

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<sup>1</sup> Vt. Stat. Ann., tit. 16 V.S.A. § 1162 (2021).

<sup>2</sup> S. 283, 2022 Leg., Reg. Sess., (Vt. 2022).

<sup>3</sup> Vermont State Interagency Team. (2022). *Vermont System of Care Report 2022*. Retrieved from [https://ifs.vermont.gov/sites/ifs/files/documents/2022\\_System\\_of\\_Care\\_Report\\_1.pdf](https://ifs.vermont.gov/sites/ifs/files/documents/2022_System_of_Care_Report_1.pdf)

<sup>4</sup> Vermont State Interagency Team. (2022). *Vermont System of Care Report 2022*. Retrieved from [https://ifs.vermont.gov/sites/ifs/files/documents/2022\\_System\\_of\\_Care\\_Report\\_1.pdf](https://ifs.vermont.gov/sites/ifs/files/documents/2022_System_of_Care_Report_1.pdf)

<sup>5</sup> Task Force on Equitable and Inclusive School Environments. (2022). *Final Report of the Task Force on Equitable and Inclusive School Environments*. Retrieved from <https://legislature.vermont.gov/assets/Legislative-Reports/edu-legislative-report-equitable-inclusive-school-environments-final-report-20220315.pdf>



exclusionary discipline, implementation barriers, and a lack of available quantitative data on the current status of exclusionary practices in early childhood settings.

Early childhood stakeholders, including community partners, have consistently called for the following:

- **Clarity in guidance and communication:** There is an immediate need for clear definitions, consistent guidance, and clarity on evidence-based best practices, supports, and resources from the Agency of Education and the Child Development Division.
- **Consulting stakeholders and alignment with early childhood evidence-based best practices:** Early childhood educators should be engaged and consulted to ensure that this guidance is consistent with best practices for what constitutes a high-quality, inclusive, and equitable early childhood education environment. Given the unique and varying individual and developmental needs of young children, policymakers and partners writing and implementing guidelines related to exclusionary practices must take into account feedback from the early childhood field, including a discussion of evidence-based national best practices, and how these definitions and practices impact daily UPK program functions.

### Legislative Charge

Building Bright Futures (BBF), established in 33 V.S.A. § 4602, was charged in No. 166 Section 4 to collaborate with the Agencies of Human Services and Education to:

- Define suspension, expulsion, and exclusionary practices in early childhood education settings
- Review available data on exclusionary practices
- Establish best practices for supporting children who face such measures
- Make recommendations based on the findings
- Submit a report to the Legislature on or before January 15, 2023

*Of note, legal counsel from the Vermont Agency of Education and the Vermont Agency of Human Services came to consensus to determine that the scope of work required under No. 166 that references early childhood education settings pertains only to Universal Prekindergarten Education (UPK) within the mixed delivery system for children ages 3 to 5.*

The report outlines completed and in-progress work undertaken by a cross-sector interagency workgroup convened by BBF's Executive Director and Deputy Director between September and December 2022.

*This report was developed by Building Bright Futures. The findings and recommendations of this report do not necessarily indicate the views of Vermont State Agencies.*

# Impacts of the Joint Oversight of Universal Prekindergarten Education in Vermont under Act 166<sup>6</sup> on Defining Exclusionary Discipline

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Before outlining the Workgroup’s progress, it is important to call attention to significant and pervasive challenges resulting from dual Agency oversight of Universal Prekindergarten Education (UPK) that has implications for defining exclusionary discipline and establishing best practices.

In 2014, Vermont passed Act 166, ensuring all 3- and 4-year-olds, as well as 5-year-olds not enrolled in kindergarten, up to 10 hours a week of publicly-funded prekindergarten education for 35 weeks within the academic year in school-based programs, prequalified center-based child care programs, and family child care programs. Act 166 provides decision-making authority over regulations and monitoring of UPK to both the Agency of Human Services (AHS) and the Agency of Education (AOE), including defining and implementing requirements for exclusionary discipline across public and private programs. However, the law does not articulate the individual responsibilities or decision-making authority between the two agencies. Further, Act 166 does not concretely address accountability: Each agency is held accountable to different Federal governing entities and requirements for monitoring and reporting.

Consequently, each Agency has different interpretations of what they are responsible for under State and Federal law related to exclusionary discipline within UPK settings, including a lack of clarity on who has decision-making authority on definitions, implementation, regulation, monitoring, and communicating about the use of exclusionary discipline in UPK. Although teams are meeting to work through issues with joint oversight and to discuss joint cases of exclusionary discipline, there is work to be done on developing a collaboratively agreed-upon vision and plan for implementation, monitoring, and communication on exclusionary discipline for UPK programs. With more clarity around decision-making roles and authority, and a commitment to collaboration and transparent communication, joint oversight may improve.

While the interagency Workgroup (outlined in the following section) did its best to collaborate, and a joint memo is currently being reviewed by the AOE and AHS legal teams, these long-standing challenges with governance<sup>7</sup> and clarity around decision-making were roadblocks to providing clarity on definitions of suspension and expulsion.

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<sup>6</sup> Vt. Stat. Ann., tit. 16 V.S.A. § 829 (2017).

<sup>7</sup> Patel and Regenstein. (2022). *Vermont Child Care and Early Childhood Education Systems Analysis*. Retrieved from [https://legislature.vermont.gov/assets/Legislative-Reports/Vermont-Child-Care-and-Early-Childhood-Education-Systems-Analysis-Final-Report\\_July-2022.pdf](https://legislature.vermont.gov/assets/Legislative-Reports/Vermont-Child-Care-and-Early-Childhood-Education-Systems-Analysis-Final-Report_July-2022.pdf)





## Workgroup Convening

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Upon passage of S.283/No. 166, Building Bright Futures (BBF)’s Executive Director and Deputy Director developed an outline of key discussion topics and a timeline for convening a Workgroup to address the required scope of work. As an external neutral convener, BBF facilitated a Workgroup composed of interagency leaders from the entities legally responsible for defining, implementing, and monitoring UPK, and therefore, exclusionary discipline for UPK programs. The first critical steps were to build interagency agreement about the scope of work and to review the collective work to date on defining and communicating about exclusionary discipline for UPK. Without this initial body of work, true stakeholder engagement through public-private discussions would not be productive. The table below outlines the membership of the interagency workgroup, facilitated by BBF leadership. Participants ranged from 8 to 12 participants each meeting with representation from each agency entity attending all Workgroup meetings.

### Workgroup Membership

- **Child Development Division, Vermont Agency of Human Services (AHS, CDD):** Miranda Gray, Deputy Commissioner; Beth Maurer, Director of Child Care Licensing; Nicole Dubuque, Policy Director; Renee Kelly, Head Start Collaboration Director; and Keith Williams, Director Children’s Integrated Services
- **Vermont Agency of Education (AOE):** Chris Case, Student Supports Division Director; Kate Rogers, Early Childhood Education Team Manager; Katie McCarthy, IDEA Part B 619 (ages 3-5) Coordinator; Tom Faris, MTSS Team; and David Kelley, AOE Research and Statistics Section Chief.
- **Building Bright Futures (Convenors/Facilitators):** Morgan Crossman, BBF Executive Director; and Beth Truzansky, BBF Deputy Director

### Workgroup Meetings

Between September 2022 and December 2022, BBF convened the S.283 Exclusionary Discipline in Early Childhood Workgroup, hereafter referred to as “the Workgroup.” The Workgroup met six times, plus three additional smaller interagency team sessions for writing and editing a joint memo. During this period, the Workgroup reviewed and discussed available data, reviewed and discussed areas of agreement and disagreement related to definitions, developed a repository of best practices, and reviewed a series of existing recommendations related to exclusionary discipline.

### Major Outcomes Resulting from Workgroup Meetings

Major outcomes resulting from convening the Workgroup include: building interagency relationships, identifying areas of interagency disagreement, updating a protocol and process for joint monitoring and disseminating guidance on exclusionary discipline, and developing an interagency memo.



### Interagency relationship building

The Workgroup required leaders across Agencies to work together on a specific topic over a four-month period, facilitated by BBF. This process required vulnerability and a series of very difficult conversations that resulted in building trust and stronger relationships among partners. The Workgroup communicated about the status of guidance documentation disseminated, historical collaborations, and lessons learned. They spent time having conversations about how to best move forward collaboratively and developed strategies for the long-standing tension points and roadblocks that had not been tackled due to Agency leadership transitions and capacity challenges resulting from the COVID-19 pandemic. While interagency meetings occur to discuss shared cases, there is more work to be done. The two Agencies (AOE and AHS) committed to continuing to partner through the Act 166 integration meetings and through the Early Childhood Interagency Coordinating Team (ECICT) to maintain consistent communication and partnership on exclusionary discipline for UPK.

### Identification of interagency disagreement

Agency leaders were able to identify areas of disagreement that were barriers to defining exclusionary discipline and disseminating memos and guidance to the field. While it was difficult, the Workgroup was able to identify and elevate these challenges to Agency Secretaries and their respective legal teams in effort to move the needle. First, there was disagreement about decision-making authority related to defining exclusionary discipline because of multiple State and Federal laws tasking Agencies with different authority and responsibilities. Second, it was unclear whether the definitions disseminated by the Agency of Education through a 2018 memo match federally-required definitions and whether they accurately reflect developmentally appropriate practice for UPK compared to practices used for K-12. Another area of disagreement was whether including detailed examples in a memo would help or confuse UPK programs in understanding best practices in implementation and reporting. Although there was no resolution reached regarding these areas of contention due to the timeline of legal review, this identification of interagency disagreement was an essential step toward resolving the challenges.

### Interagency process for joint guidance

Prior to the start of the Workgroup, there was no formal process in place to determine when and how the Agency of Education and the Agency of Human Services needed to issue joint guidance related to UPK. This example of a governance breakdown was also identified by Vermont's Child Care and Early Childhood Education Systems Analysis.<sup>8</sup> The result has historically led to multiple rounds of sometimes inconsistent guidance being issued by Agencies and confusion on behalf of UPK partners about to whom they are accountable.

The Workgroup meeting on October 27 included a discussion about when joint guidance is needed and about the process for its development and dissemination. The Workgroup articulated values for guidance: It should be clear, accessible, informative, and supportive of UPK partners

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<sup>8</sup> Patel and Regenstein. (2022). *Vermont Child Care and Early Childhood Education Systems Analysis*. Retrieved from [https://legislature.vermont.gov/assets/Legislative-Reports/Vermont-Child-Care-and-Early-Childhood-Education-Systems-Analysis-Final-Report\\_July-2022.pdf](https://legislature.vermont.gov/assets/Legislative-Reports/Vermont-Child-Care-and-Early-Childhood-Education-Systems-Analysis-Final-Report_July-2022.pdf)



so as not to elicit fear or concern. The Workgroup outlined the following process for establishing and disseminating joint guidance:

- Utilize existing meetings (Act 166 Integration Meeting and the Early Childhood Interagency Coordinating Team) to monitor shared communications plans
- Communicate about upcoming guidance needs
- Collaboratively develop memos through “small teaming”
- Elevate memos synchronously to Agency leadership and legal teams
- Collaborate on formatting and communication strategy
- Disseminate memos synchronously to all critical stakeholders

#### Interagency memo

A joint interagency memo was developed to clarify definitions of suspension, expulsion, and exclusionary practices in early childhood education settings. At the time of this report, the memo is being reviewed by both Agencies’ legal teams.

#### **Quotes from Workgroup Members**

*“The most important takeaway is collaborative guidance and communication.”*

*“This is truly a joint/collaborative memo now and it feels really great.”*

*“What’s in front of us now really feels like a true shared document. Each agency respecting and valuing each other’s charge, and finding a way to blend those. Small-group work was really helpful.”*

*“This is an example of when slowing down a little bit felt right and important. Having a small group sitting down and working through the document took a two-week period, which was important. It felt good and stronger because we partnered and slowed down enough to provide more clarity. I’m grateful we had the opportunity to review the 2018/19 work. We didn’t have to start at ground zero. Overall, I’m happy with the memo as it stands.”*

# Defining Suspension, Expulsion, and Exclusionary Practices in Early Childhood Education Settings

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**As of January 15, 2023, there was no clarity or agreement on definitions of exclusionary discipline for children under age 8.**

However, as outlined above, in an effort to build collaborative and agreed-upon definitions, a series of meetings were held between September and November 2022 to develop and discuss a joint Agency memo to define suspension and expulsion for children 3, 4, or 5 years of age enrolled in UPK. The discussion focused on the intent and impact of the memo, where there was consensus or disagreement on definitions and information to include in the memo, and any clarifications and discussion needed. A smaller subgroup of interagency leaders came together at least three additional times to work on the memo. Agency Workgroup partners completed the memo on November 16 and submitted it to Agency leaders and their respective legal teams. Agency leaders and their respective legal teams are still reviewing and determining the best approach to the definitions and ensuring they meet both Federal and State obligations for UPK and exclusionary discipline.

Below is a comprehensive list of existing guidance and memos from the Vermont Agencies related to exclusionary discipline. The memos reference definitions for suspension and expulsion as well as additional guidance for early childhood educators related to exclusionary discipline for students under age 8.

- **Memo:** [New Requirement: Ban on Suspension and Expulsion of Students Under Age Eight Enrolled in Prequalified Private UPK Programs](#) (September 2, 2022)
- **Guidance:** [Determining the Appropriateness of Suspension or Expulsion for Students Under Age Eight](#) (Revised August 2022)
- **Memo:** [New Requirement: Ban on Suspension and Expulsion of Students Under Age Eight](#) (August 3, 2022)
- **Memo:** [New Requirement: Ban on suspension and expulsion of students under eight](#) (September 10, 2021)
- **Memo:** [PreK Suspension and Expulsion Data Collection and Reporting](#) (September 13, 2018)

Previously, definitions of suspension and expulsion for prequalified UPK programs were disseminated in a 2018 Memorandum from the Vermont Agency of Education titled [PreK Suspension and Expulsion Data Collection and Reporting](#) (September 13, 2018). The purpose of the memo was to outline school district obligations related to PreK suspension and expulsion data collection and reporting.



The definitions of exclusionary discipline included as part of the 2018 memo are included in the box below:

**Definitions disseminated through a 2018 Memo from the Vermont Agency of Education**

1. **In-program suspension** is the placement of a child in a specified supervised location (e.g., director’s office, alternative classroom, other space in building) other than the child’s regular classroom for two or more hours out of the 10 entitled PreK hours per week, due to behavioral or disciplinary reasons. The child’s absence shall not stop the school district payment to program under Act 166.
2. **Out-of-classroom/program suspension** is the removal of a child from a program (off premises) for two or more hours out of the 10 entitled PreK hours per week, due to behavioral or disciplinary reasons. The child’s absence shall not stop the school district payment to program under Act 166.
3. **Expulsion** is the permanent removal of a child from the PreK program. This permanent removal does affect the family’s Act 166 tuition. This permanent removal of the child will stop school district payment to the program under Act 166.

It is important to note that all private and public prequalified PreK programs must also comply with Child Development Department’s (CDD) expulsion criteria as defined in Child Care Licensing Regulations 6.2.8.4 (1)(2)(3). The licensee shall support continuity of care and education. In the event that a child’s continued enrollment is at risk the following shall apply: 1) consult with child’s parents, 2) provide parents written notice at least five days prior to expulsion, 3) when child is expelled, a full copy of child’s file must be provided to family and documentation retained by program.”<sup>9</sup> <sup>10</sup>

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<sup>9</sup> Child Development Division, Vermont Department for Children and Families. (2022). *Child Care Licensing Regulations: Center Based Child Care and Preschool Programs*. Retrieved from <https://outside.vermont.gov/dept/DCF/Shared%20Documents/CDD/Licensing/CC-CenterBased-Regs.pdf>

<sup>10</sup> Data note: The same language regarding expulsion criteria can be found in Child Care Licensing Regulations 6.2.6.1, which applies to Registered and Licensed Family Child Care Homes: Child Development Division, Vermont Department for Children and Families. (2022). *Child Care Licensing Regulations: Registered and Licensed Family Child Care Homes*. Retrieved from <https://outside.vermont.gov/dept/DCF/Shared%20Documents/CDD/Licensing/CC-Family-Regs.pdf>

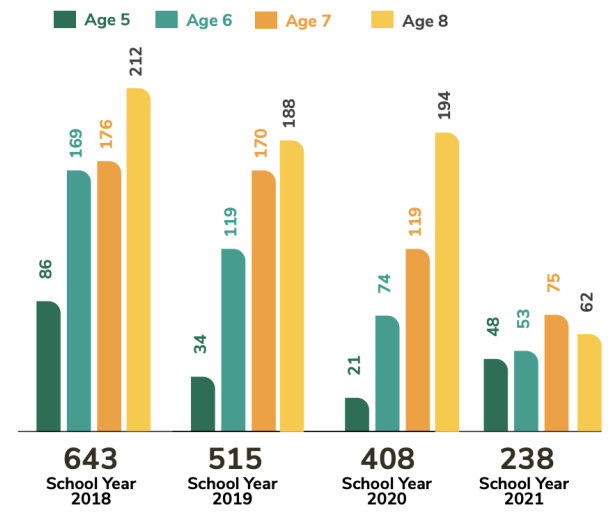
## Review of Available Data on Exclusionary Discipline

The Workgroup conducted a review of key available data on exclusionary discipline for Vermont. The data reviewed relevant to the population specified were as follows:

- Vermont Agency of Education - [Vermont Education Dashboard](#) (2022)
- Vermont Agency of Education - [Safe, Healthy Schools Annual Snapshot](#) (2022)
- Building Bright Futures - [Exclusionary Discipline in Vermont Data Brief](#) (April 2022)
- Vermont Agency of Education - [Exclusionary Discipline Response](#) (2017)
- Office of Civil Rights - [\(2017-2018\) Expulsion Rates for PreK and K-12 by State](#)
- National Institute for Early Education Research - [Questions of Access and Equity: Suspension and Expulsion in PreK](#) (October 2016)
- U.S. Dept. of Education for Civil Rights - [Data Snapshot: Early Childhood Education](#) (March 2014)

### Findings from the BBF Data Brief | Exclusionary Discipline in Vermont

Figure 1: Number of incidents by year for children ages 5 through 8



- Data provided by the Agency of Education across school years 2018 and 2021 show that:
  - Quantitative data on exclusionary discipline incidents for children under 5 years through the annual reporting cycle are not publicly reportable due to extremely small numbers.
  - For children ages 5 through 8, the number of reported suspensions decreased annually from 643 in 2018 to 238 in 2021.
  - On average, students ages 5 through 8 who experienced an exclusionary action were suspended two times for each school year from 2018 to 2021, with an average length of suspension of one day.

- There are disproportionate impacts on two vulnerable student groups across school years 2018 through 2021:
  - Students eligible for free and reduced lunch (185% of the Federal Poverty Level) make up 35% of the student population, but account for an average of 72% of suspensions.
  - Children receiving special education services through an Individualized Education Plan (IEP) make up 15% of the student population, but account for 36% of suspensions.
- In addition, historically marginalized students make up an average of 82% of suspensions in children ages 5 through 8.
- The Universal Prekindergarten Education Accountability and Continuous Improvement System (UPK ACIS) captured a total of 63 violations, of which 27 incidents (43%) involved exclusionary discipline practices including both suspension and expulsion for children ages 3-5. Of these, 14 incidents (52%) involved children with disabilities on an IEP.



The most up-to-date, comprehensive source of data on exclusionary discipline for Vermont children under age 8 was the BBF Data Brief | Exclusionary Discipline in Vermont: Early Childhood, which was developed in partnership with the Agency of Education in April 2022. This data brief was reviewed during the first meeting and disseminated for closer review. The data brief outlined all publicly available data, existing findings, limitations to the data, implementation challenges related to exclusionary practices in UPK, and policy considerations. Findings from this brief are outlined in the box on the previous page.

Even more recent data provided by the Vermont Agency of Education in January 2022 shows that the number of exclusions for children between the ages of 5 to 8 has continued to decrease in School Year 2022, with a total of 73 exclusions. Data were suppressed for 5- and 6-year-olds. There were 24 exclusions for 7-year-olds and 33 exclusions for 8-year-olds.

Following this review, the Workgroup reconvened at the December 22 meeting for a discussion on gaps and limitations to existing data, as well as additional data needed to inform decision-making.

### **Gaps and Limitations to Existing Data**

Collectively, the factors below inhibit Vermont’s ability to ensure that each and every child is able to fully and equitably participate per Vermont’s Guiding Principles,<sup>11</sup> and to receive the highest quality services, resources, and supports.

#### Extremely small numbers often yield unreportable data

The first, and arguably most challenging data limitation is that data are not publicly reportable at this time on: 1. Vermont children under age 5, 2. several vulnerable populations, and 3. for permanent expulsion and alternative placement. In order to comply with the Family Educational Rights and Privacy Act (FERPA), Vermont does not report data when there are fewer than 11 students in a category (cell).<sup>12</sup> In Vermont, for each year between 2018 and 2021, there were fewer than 11 cases of suspension reported for children under age 5, for English Language Learners (ELL), and for students identifying as American Indian/Alaskan Native, Asian, or Native Hawaiian and Other Pacific Islander for children under 8. Likewise, data on permanent expulsions and alternative placements are not publicly reportable at this time. These are extremely small numbers of incidents by any measure. Because they are so small, using them statistically is not methodologically sound.

#### Impacts of the COVID-19 pandemic

The COVID-19 pandemic has not only impacted the experiences of children, but the data for years 2020 and 2021. Children’s experiences and learning environments during these school years were not “normal.” Suspension data and apparent trends for these years may be outliers.

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<sup>11</sup> Vermont Agency of Education. (n.d.). *Vermont Early Learning Standards: Guiding Principles*. Retrieved from <https://vels.education.vermont.gov/guiding-principles>

<sup>12</sup> Vermont Agency of Education. (n.d.). *Data Governance*. Retrieved from <https://education.vermont.gov/data-and-reporting/data-governance>



The pandemic has also impacted and overburdened Vermont's early childhood education workforce, which has reduced capacity to prioritize data efforts.

### Inconsistent and incomplete reporting

While progress has been made in UPK monitoring through the Universal Prekindergarten Education Accountability and Continuous Improvement System (UPK ACIS), there is agreement across the AOE Early Education team and early childhood stakeholders that reporting is inconsistent and incomplete, across both PreK-12 annual collection and the real-time UPK ACIS. Data is also lacking accuracy and several efforts are being made to address discrepancies including a new collection tool for suspensions.

## **Implementation Challenges Impacting the Data**

### Inconsistent communication and guidance for UPK

Memoranda from the Vermont Agency of Education were released in 2018<sup>13</sup> and 2021<sup>14</sup> to clarify suspension and expulsion reporting requirements for UPK programs. However, stakeholders perceive the lack of clear communication and guidance from the AOE and the AHS as the most consistent concern related to exclusionary discipline, which is believed to contribute to documentation and implementation challenges. Early childhood stakeholders have reported inconsistencies in guidance, definitions, and understanding of required implementation, and uneven application of consequences. Specific concerns include: discrepancies between verbal and written guidance, inconsistent definitions of exclusionary discipline incidents (including soft suspensions and expulsions), and lack of clarity on the best practices, supports, and variances.

### Timing of evaluations for additional supports

Additional supports and approaches are available to children on an Individual Family Services Plan (IFSP),<sup>15</sup> or an IEP, 504, or EST plan to ensure their Free Appropriate Public Education (FAPE).<sup>16</sup> However, it can take up to 45 days for the implementation of an IFSP for children under 3 from the initial referral.<sup>17</sup> For children 3 and older, the timeline is 60 days for an initial evaluation to be conducted from the date of referral and parental consent.<sup>18</sup> During this time,

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<sup>13</sup> Vermont Agency of Education. (2018). *PreK Suspension and Expulsion Data Collection and Reporting*. Retrieved from [https://education.vermont.gov/sites/aoe/files/documents/edu-prekindergarten-memo-to-prek-programs-regarding-suspension-expulsion-data-collection\\_0.pdf](https://education.vermont.gov/sites/aoe/files/documents/edu-prekindergarten-memo-to-prek-programs-regarding-suspension-expulsion-data-collection_0.pdf)

<sup>14</sup> Vermont Agency of Education. (2021). *New Requirement: Ban on suspension and expulsion of students under eight*. Retrieved from <https://education.vermont.gov/sites/aoe/files/documents/edu-memo-french-suspension-expulsion-students-under-eight.pdf>

<sup>15</sup> U.S. Department of Education, Individuals with Disabilities Education Act. (2017). Content of an IFSP Part 303 (Part C), Subpart D, Section 303.344c. Retrieved from <https://sites.ed.gov/idea/regs/b/b/300.101>

<sup>16</sup> U.S. Department of Education, Individuals with Disabilities Education Act. (2017). Free appropriate public education (FAPE) Part 300 (Part B), Subpart B, Section 300.101. Retrieved from <https://sites.ed.gov/idea/regs/b/b/300.101>

<sup>17</sup> U.S. Department of Education, Individuals with Disabilities Education Act. (2017). Initial Evaluations Part 303 (Part C), Subpart D, Section 300.310c. Retrieved from <https://sites.ed.gov/idea/regs/c/d/303.310>

<sup>18</sup> U.S. Department of Education, Individuals with Disabilities Education Act. (2017). Initial Evaluations Part 300 (Part B), Subpart D, Section 300.301c. Retrieved from <https://sites.ed.gov/idea/regs/b/d/300.301/c>





approaches and supports that may prevent exclusionary discipline remain unavailable to support the child, family, and early childhood program.

### Barriers to implementing preventative approaches to exclusion

Vermont's early childhood stakeholders have identified an urgent need for preventative interventions and supports to reduce the escalation of challenging behaviors that may result in the use of exclusionary discipline. Challenges to implementation of such practices include:

- Inadequate funding: Given the rise in the frequency and acuity of mental and behavioral health conditions, early childhood stakeholders report an inability to access or implement alternative approaches, limiting their capacity to support the needs of each and every child and allow for full and equitable participation.
- Workforce shortage: Potential alternative approaches to supporting children with additional behavioral needs may require additional staff. For example, to implement Early Multi-Tiered System of Supports (Early MTSS) to fidelity, additional staff are needed to give teachers enough time for planning, coaching other teachers, and to participate in practice-based coaching observations. However, this is increasingly a challenge given current workforce shortages, with 16% fewer professionals working in regulated child care settings in Vermont in 2021 compared to 2018.<sup>19</sup>

### **Act 35 Implementation and Monitoring**

#### Challenges in the monitoring and implementation of Act 35 - Age vs. grade

Act 35 uses age rather than grade for the prohibition of exclusionary discipline. Children in second and third grade range in age, typically being between ages 7 and 9. Practically, this means the law may allow one child to be suspended or expelled, while classmates within the same classroom and grade are not allowed to be suspended or expelled for the same incident solely due to their age.

#### Limited Task Force recommendations on exclusionary discipline in early childhood education

In addition to the prohibition of exclusionary discipline for children under age 8, Act 35 established a Task Force on Equitable and Inclusive School Environments focused on the PreK through grade 12 system. Due to the broad scope of the task force and the age ranges included, recommendations dedicated specifically to early childhood education were limited. In addition, the Task Force found notable variations and a lack of a standard definition for early childhood education when reviewing the statute, rules, and AOE/AHS guidance. Consequently, this lack of a clear definition of the age period and/or settings for which Act 35 is applicable made it “impossible to delineate developmentally appropriate recommendations.”<sup>20</sup>

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<sup>19</sup> Child Development Division, Vermont Department for Children and Families. (Awaiting publication). *Vermont Early Childhood and Afterschool Professionals Workforce Report*. Retrieved from <https://outside.vermont.gov/dept/DCF/Shared%20Documents/CDD/Reports/VT-ECE-ASP-Workforce-Report-2020.pdf>

<sup>20</sup> Task Force on Equitable and Inclusive School Environments. (2022). *Final Report of the Task Force on Equitable and Inclusive School Environments*. Retrieved from



## **Additional Data Needed to Inform Decision-making**

In addition to addressing the gaps and limitations articulated above, the Workgroup identified the following additional data needed to inform decision-making.

### Established indicators and measures of success

Once Vermont has established agreed-upon definitions for exclusionary discipline, public and private stakeholders must develop collaborative measures of success and indicators to monitor progress. Currently, Vermont measures rates of exclusionary discipline but has yet to identify metrics for inclusion, metrics for the monitoring of prevention practices, or indicators to measure broader success. Several metrics have been discussed and piloted (Systems inventory through Early MTSS, the Preliminary Pyramid Assessment, and the Teaching Pyramid Observation Tool) but further work is required to identify and implement universal metrics in these areas. While grants and federal funding are supporting families and early childhood educators with developing inclusion and prevention practices, sustainable funding mechanisms have yet to be identified. Programs like Head Start may serve as strong examples of how to monitor inclusive and preventative practices through existing protocols and processes, as well as serving as examples of strong data practices used for continuous quality improvement.

### In-depth data and intersections for equity

Finalizing definitions for exclusionary discipline will also support Vermont's ability to measure more detail about exclusionary events and incident types and develop use cases. If sample sizes allow further breakdowns by age, gender, race, ethnicity, geographic region, supervisory union, etc., this data will be helpful in understanding the conditions (or environments) vulnerable populations are faced with. Additionally, providing more in-depth data may allow Vermont to understand how children with multiple vulnerabilities are impacted. Further, being able to run correlational analyses would move us past the point of solely counting and support Vermont in examining relationships between indicators collected.

### Qualitative data on lived experience

In addition to examining quantitative data and monitoring trends in exclusionary discipline, capturing parent and family experiences with suspensions or expulsions in UPK settings is important. In addition, it may be important to capture the experiences of both families and early childhood educators when they had the skills, resources, and support necessary to meet a child's needs, and were able to avoid exclusionary discipline. Early childhood educators' experience implementing best practices, monitoring, and reporting exclusionary discipline should also be examined. There is value in capturing experiences to help us understand how to prevent exclusionary discipline and promote social-emotional growth and development. Aside from the monitoring practices within the Universal Prekindergarten Education Accountability and

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<https://legislature.vermont.gov/assets/Legislative-Reports/edu-legislative-report-equitable-inclusive-school-environments-final-report-20220315.pdf>



Continuous Improvement System (UPK ACIS), it is unclear what current mechanisms exist to capture lived experience, both for collection and extraction, so that it can be used to inform decision-making.

### Data alignment and sharing

It is also important to align data collection and analysis across existing programs and efforts. Building a data priority list stemming from the gaps identified will allow leaders to create a strategic plan for tackling data issues. For example, there are four Federal programs that require data capture related to Early MTSS that will provide opportunities to better understand how educators are provided with professional development, training opportunities, and support. A process for sharing qualitative and quantitative data across Agencies, Departments, and Divisions will need to be established to ensure that all decision-makers are working from the same up-to-date data.

# Discussion of Best Practices for Preventing Exclusionary Discipline

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The Workgroup collaboratively discussed a range of best practices currently employed in Vermont for supporting children who are at risk of, or are experiencing exclusionary discipline. The Workgroup also developed a repository of key resources referenced for the development of policy and practice regarding the use of exclusionary discipline in early childhood. BBF invited a select group of partners with expertise in this area from mental health, higher education, and early education sectors to support the compilation of a robust list of state and national best practices as well as identifying national entities that disseminate information on national best practices. Best practices employed in Vermont to prevent exclusionary discipline and support children and families experiencing exclusionary discipline have also been documented in several reports produced by Building Bright Futures, including the Policy Recommendations of the State Advisory Council Network (2022, 2023), the Early Childhood and Family Mental Health Task Force Report (2020), and the Vermont Early Childhood Action Plan (2020). The following national position statements, best practice models, and concepts were discussed.

## National Position Statements and Recommended Practices

- Division for Early Childhood Early Childhood Technical Assistance Center. (2014). [\*DEC recommended practices in early intervention/early childhood special education\*](#).
- National Association for the Education of Young Children. (April 2019). [\*Advancing Equity in Early Childhood Education Position Statement\*](#).
- US Department of Education, Office of Special Education and Rehabilitation Services. (July 2022). [\*Dear Colleague Letter on Implementation of IDEA Discipline Provision\*](#).

## Best Practice Program Models

- **Early Multi-Tiered Systems of Support (Early MTSS)** is an evidence-based, data-driven, practice-based coaching model that advances equity, diversity, and the full inclusion and participation of each and every child in their community, school/program, and home. Practices are geared to families, home visitors, teachers, special educators, and mental health providers to support positive social-emotional skills in children.
- **Early Childhood and Family Mental Health (ECFMH) consultation** is a practice to help children struggling in early care and learning programs by providing an ECFMH specialist to strategize with early educators on how to provide support to the child in a classroom setting. Preschool teachers with access to mental health consultation are less likely to expel children with behavioral problems from their programs.<sup>21</sup>

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<sup>21</sup> Gilliam, W. (2005). *Pre-Kindergarteners left behind: Expulsion rates in state prekindergarten systems*. New Haven, CT: Yale University Child Study Center. Retrieved from <https://www.fcd-us.org/prekindergartners-left-behind-expulsion-rates-in-state-prekindergarten-programs/>



- **Head Start** programs offer learning environments designed to support children’s cognitive, social, and emotional development.<sup>22</sup> Pregnant women and families with children birth to 5 years old that meet eligibility for the program may receive free early education and care for their child. Families choose from an array of child development and family support services at no cost.
- **Children’s Integrated Services (CIS)** is Vermont’s unique model for integrating early childhood health, mental health, evidence-based home visiting, family support, early intervention, and specialized child care services for pregnant and postpartum women and children birth to age 6. The prevention-focused program is designed to wrap around the whole family, including support for parents or caregivers to understand and advocate for the needs of their children, a point person to support care coordination, and access to high-quality child development, mental health, and prevention services.

## Concepts & Frameworks

- **Equity and Inclusion** - Ensuring that the early childhood workforce is adequately trained, supported, and prepared to support the success of all children is a key strategy in limiting and eventually eliminating early expulsion and suspension. National data indicates that specific groups of children are being disproportionately expelled and suspended from their early learning settings. This is a reflection of systemic racism where biased implementation of disciplinary policies, biased culture and climates, and under-resourced programs are contributing to exclusive practices. Strengthening teacher training to identify and correct potential biases in perceptions and practice is essential.<sup>23</sup>
- **Family Partnership** - Family-centered care ensures families have a primary decision-making role in the care of their children. These are systems where families know where to go for help, and support is provided in an accessible, culturally competent way. Families are involved in the care their child needs and are supported during transitions from early childhood to PreK to the elementary education system.
- **Strengthening Families Framework** The Strengthening Families Approach is based on five protective factors “to increase family strengths, enhance child development and reduce the likelihood of child abuse and neglect.”<sup>24</sup>
- **Vermont Guiding Principles on the Equitable Inclusion of Each and Every Child** were developed and adopted by the Agency of Education and other early childhood partners in 2019. They provide a commitment to prevention; developing and communicating clear behavioral expectations; and ensuring fairness, equity, and continuous improvement.
- The **Vermont Early Learning Standards (VELS)** describe the knowledge and abilities children should have from infancy through Grade 3. Early childhood care and education programs are required to align curriculum and instruction with VELS under Vermont Act 166 and child care licensing regulations. Use of VELS is instrumental for the

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<sup>22</sup> Vermont Head Start Association. (n.d.). *What is Head Start?* Retrieved from <https://vermontheadstart.org/what-is-head-start/>

<sup>23</sup> U.S. Department of Health and Human Services. (2016). *Expulsion and Suspension Policy Statement*. Retrieved from <https://www.acf.hhs.gov/occ/policy-guidance/expulsion-and-suspension-policy-statement>

<sup>24</sup> Center for the Study of Social Policy. (n.d.). *About Strengthening Families and the Protective Factors Framework*. Retrieved from [cssp.org/wp-content/uploads/2018/11/About-Strengthening-Families.pdf](https://cssp.org/wp-content/uploads/2018/11/About-Strengthening-Families.pdf)



implementation of developmentally appropriate practices and integral to Vermont's QRIS and improving equitable access to high-quality, inclusive early childhood care and education.

### **Two Awards that Support Vermont's Ability to Address Exclusionary Discipline**

The Workgroup identified two new awards that will support the prevention of suspension and exclusion in early childhood settings, continuous quality improvement, and monitoring of UPK. While this report does not include all existing State efforts (including but not limited to existing staff capacity dedicated toward inclusion, resources, and the ACIS monitoring and reporting system), the following funding streams will improve our ability to prevent the use of exclusionary discipline.

- **The Vermont Agency of Education's 2022 State Personnel Development Grant (SPDG)** includes funds to increase the social-emotional skills (including social relationships) in children birth to age 3 with an IFSP, by providing Early MTSS training and coaching to IDEA Part C personnel. This grant was received in 2022 and work is underway.
- **The Agency of Human Services anticipates an award of the Preschool Development Grant Birth-Five Implementation Grant in 2023** totaling approximately \$24M over three years. Of this total budget, \$1.4M will go toward projects that build the State's capacity to reduce the suspension and expulsion of young children. Key projects include expanding Early Multi-Tiered Systems of Support; improving quality and monitoring of exclusionary discipline through the UPK ACIS; and implementing Infant Early Childhood Mental Health Consultation, which pairs a mental health consultant with families and adults who work with infants and young children to facilitate children's ability to manage stress and regulate their own emotions.

## Considerations for Policy

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Outside of this interagency Workgroup, in order to meet the requirements of this legislatively required report, BBF has outlined the following considerations for policy as a result of multiple existing reports, recommendations, and qualitative inquiry:

- Address decision-making roles and authority
- Invest in prevention, supportive approaches, and workforce
- Engage and consult families, communities, and professionals in decision-making
- Investigate and develop strategies specifically for vulnerable populations
- Improve technical assistance, monitoring, and data integration
- Ensure continued collaboration and progress in preventing exclusionary discipline

The majority of the recommendations and considerations outlined below are not new. Since 2018, there have been repeated recommendations to better meet the needs of children and early childhood educators by preventing suspension and expulsion and supporting the social-emotional development of children.

### Address decision-making roles and authority

Addressing the complications and challenges associated with two Agencies jointly governing and administering UPK should be a priority. Throughout the Workgroup's process, dual Agency oversight was the most significant barrier to defining and establishing best practices for exclusionary discipline. A thorough review is needed of Vermont Agencies' roles and responsibilities to Federal entities and State law related to UPK. Expectations and requirements regarding the administration of UPK need to be aligned across statutes and clearly defined, along with the roles, responsibilities, and legal authority of the parties named. With more clarity around decision-making roles and authority, and a commitment to collaboration and transparent communication, joint oversight may be possible. Addressing this challenge may support the development of clear definitions, consistent guidance, aligned vision and messaging, and clarity on best practices, supports, and resources. It will require strong leadership and additional capacity to facilitate stakeholder-informed decision-making, new guidance documentation, and professional development to align with national best practices.

### Invest in prevention, supportive approaches, and workforce

Recommendations from Vermont's Early Childhood State Advisory Council,<sup>25,26</sup> alongside the Early Childhood Mental Health Task Force,<sup>27</sup> and most recently, the Task Force on Equitable and

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<sup>25</sup> Building Bright Futures. (2021). *2020 Recommendations of the Building Bright Futures State Advisory Council*. Retrieved from <https://vermontkidsdata.org/wp-content/uploads/2021/10/2020-SAC-Recommendations.pdf>

<sup>26</sup> Building Bright Futures. (2022). *2021-2022 Policy Recommendations of the Vermont Early Childhood State Advisory Council Network*. Retrieved from <https://vermontkidsdata.org/wp-content/uploads/2022/02/2021-Policy-Recommendations.pdf>

<sup>27</sup> Building Bright Futures. (2020). *Early Childhood and Family Mental Health: 2020 Task Force Report*. Retrieved from [https://buildingbrightfutures.org/wp-content/uploads/2020/02/ECFMH-Task-Force-Report-2020\\_Final-Reduced-Size.pdf](https://buildingbrightfutures.org/wp-content/uploads/2020/02/ECFMH-Task-Force-Report-2020_Final-Reduced-Size.pdf)



Inclusive School Environments,<sup>28</sup> have called for significant investment in prevention and supportive approaches, including:

- Early Multi-Tiered System of Supports (EMTSS) and practice-based coaching
- Special Accommodations Grants (SAG)
- Early Childhood and Family Mental Health (ECFMH) consultation
- Strengthening Families Protective Factors Framework
- Universal developmental and social determinants of health screenings

One urgent priority is to add staffing and structural resources to create inclusive and supportive environments for children under age 8 and the early childhood educators supporting their early education and social-emotional development. The current workforce shortage in child care and UPK settings continues to be a barrier to early childhood educators' ability to fully participate in training and professional development. Addressing workforce shortages will support early childhood educators in meeting the needs of all children in UPK settings and implementing best practices to fidelity. Strong championing of best practice models is needed to fully realize their benefits.

#### Engage and consult families, communities, and professionals in decision-making

It is critical to engage and consult early childhood educators, stakeholders, families, and experts during the development of communication, guidance, and legislation. This consultation will ensure that guidance developed is consistent with evidence-based best practices for what constitutes a high-quality early childhood education environment and will support key stakeholders in having a voice on policies that impact them. Given the unique and varying developmental needs of young children, careful consideration should be given when determining requirements for exclusionary discipline for children under age 8.

#### Investigate and develop strategies specifically for vulnerable populations

The exclusionary discipline data contained in the BBF Data Brief showed a disproportionate impact of suspension on children eligible for free and reduced lunch and children on an Individualized Education Plan (IEP). Further investigation should be carried out, and strategies to increase equitable access for vulnerable children should be developed and implemented.

#### Improve technical assistance, monitoring, and data integration

In order to increase Vermont's capacity to understand and monitor the current landscape of early childhood education, Vermont's Early Childhood State Advisory Council (SAC) recommends that Vermont "commit to early childhood data integration and governance through sustained funding, dedicated staffing, data infrastructure, and data-driven accountability at all levels of the system: executive, legislative, and agency leadership." More specifically, the SAC calls for "sustained funding for personnel to ensure high quality data through the following activities: simplify data management and reporting activities; training and TA to support quality collection,

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<sup>28</sup> Task Force on Equitable and Inclusive School Environments. (2022). *Final Report of the Task Force on Equitable and Inclusive School Environments*. Retrieved from <https://legislature.vermont.gov/assets/Legislative-Reports/edu-legislative-report-equitable-inclusive-school-environments-final-report-20220315.pdf>





analysis, and reporting; engagement in data integration meetings and visioning; and continuous quality improvement.”<sup>29</sup> This may include increasing staffing capacity to effectively and efficiently provide training and technical support, and monitor the system through data and in-person investigations and determinations.

#### Ensure continued collaboration and progress in preventing exclusionary discipline

Convening the interagency Workgroup was the first of many necessary steps in working toward public and private partnership to ensure the inclusion of all children in early childhood education settings. Once Agencies have come to agreement on legal definitions of exclusionary discipline, this work will require public-private partnership to understand the impact of definitions and guidance for on-the-ground implementation with families and UPK programs, and continuous feedback loops to support UPK programs. The inclusion of family and educator voices is critical to informing implementation and continuous quality improvement. Further, Agencies will need to continue refining processes to collaboratively implement, regulate, and monitor exclusionary discipline in Vermont. Clear communication to the field, as well as trainings and webinars to provide technical assistance, are vital.

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<sup>29</sup> Building Bright Futures. (2022). *2021-2022 Policy Recommendations of the Vermont Early Childhood State Advisory Council Network*. Retrieved from <https://vermontkidsdata.org/wp-content/uploads/2022/02/2021-Policy-Recommendations.pdf>

# Appendix A: National Best Practice Documentation Reviewed

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## Policy & Joint Position Statements

- National Association of the Education of Young Children. (2016). *Standing Together Against Suspension and Expulsion in Early Childhood: A Joint Statement*.
- U.S. Department of Education Office for Civil Rights. (2022). *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973*.
- U.S. Department of Education, Office of Special Education and Rehabilitation Services. (July 2022). *Dear Colleague Letter on Implementation of IDEA Discipline Provision*
- National Association for the Education of Young Children. (2019). *Advancing Equity in Early Childhood Education: Position Statement*.
- U.S. Department of Education. (2017). *PreSchool Least Restrictive Environments*.
- U.S. Department of Education, Office of Special Education and Rehabilitation Services. (August 2016). *Dear Colleague Letter on IDEA Relating to FAPE in the Least Restrictive Environment*.
- U.S. Department of Health and Human Services. (2016). *Expulsion and Suspension Policy Statement*.
- Joint Statement by the U.S. Department of Health and Human Services and U.S. Department of Education. (2015). *Policy Statement on Inclusion of Children with Disabilities in Early Childhood Programs*.
- U.S. Department of Health and Human Services (2016). *Spotlighting Progress in Policy and Supports: State and local Action to Prevent Expulsion and Suspension in Early Learning Settings*.
- Division for Early Childhood and National Association for the Education of Young Children. (2009). *Early Childhood Inclusion: A Joint Position Statement*.

## National Resources

- Division for Early Childhood, Early Childhood Technical Assistance Center. (2014). *DEC recommended practices in early intervention/early childhood special education*.
- Center on Enhancing Early Learning Outcomes. (2017). *Information and Resources to Assist States in Developing Policy on Early Childhood Suspension and Expulsion*.
- Division for Early Childhood, Council for Exceptional Children. (2020). *Preschool Suspension and Expulsion for Young Children With Disabilities*.
- Division for Early Childhood of the Council for Exceptional Children. (2017). *Resources within Reason: Addressing Suspension and Expulsion*.
- Robert Wood Johnson. (2016). *Early Childhood Expulsions and Suspensions Undermine Our Nation's Most Promising Agent of Opportunity and Social Justice*.

- National Academy of Medicine. (2016). *Expulsion and Suspension in Early Education as Matters of Social Justice and Health Equity*.
- National Institute for Early Education Research (2016). *Questions of Access and Equity: Suspension and Expulsion in PreK*.
- Catlett, C. (2018). *Promoting the Full and Equitable Participation of Young Children through Practices that Reduce Suspension and Expulsion*.
- National Center on Early Childhood Development, Teaching and Learning. (2018). *Preventing and Reducing Suspensions and Expulsions in Early Care and Education Settings*.
- U.S. Department of Health and Human Services, Head Start (2022). *Suspension and Expulsions: FAQs*.
- U.S. Department of Health and Human Services, Head Start. (2021). *Preschool Expulsions and Suspensions: What Early Childhood Leaders Need to Know about the Role of Implicit Bias*,
- U.S. Department of Health and Human Services, Head Start. (2021). *Understanding and Eliminating Preschool Suspension and Expulsion*.
- National Association for the Education of Young Children. (2020). *What You Can Do to Prevent Preschool Expulsion*.
- National Center for Pyramid Model Consortium. (2022). *Understanding Program-Wide Implementation of the Pyramid Model*.
- National Center for Pyramid Model Consortium. (2022). *Resources specifically on exclusionary discipline*.
- National Center for Pyramid Model Consortium. (2016). *The Pyramid Equity Project: Promoting Social Emotional Competence and Addressing Disproportionate Discipline in Early Childhood Programs*
- National Technical Assistance Center for Preschool Development Grants Birth Through Five. (2018). PDG grantee meeting presentation: *Ready or Not? Suspension and Expulsion Policies in PDG States*.
- National Technical Assistance Center for Preschool Development Grants Birth Through Five. (2018). *Suspension & Expulsion in Preschool Development States: Policies and Practices*.
- National Technical Assistance Center for Preschool Development Grants Birth Through Five. (2021). *Pyramid Model State Leadership Team Guidance for Preventing Suspension and Expulsion and Promoting Equitable, Inclusive and Culturally Responsive Practice*.

### Other State Resources

- BUILD and National Center for Children in Poverty. (2021). *States' Growing Commitment to Preventing Young Children's Expulsion from Early Care and Education Programs*.
- New America Policy Analysis. (2022). *Reducing Exclusionary Discipline Practices in Early Childhood Education: Perspectives from Illinois and Colorado*.
- North Carolina Department of Public Instruction, Office of Early Learning. (2022). *Early Childhood Discipline Practices in North Carolina*.



- Connecticut State Department of Education. (2021). *Joint Statement on the Importance of a Culturally Responsive Education*.
- Thread Alaska (2021). *Reducing Early Childhood Exclusionary Practices*.
- Maryland State Department of Education. (2017). *Preventing Suspension and Expulsion in Early Care and Education Programs: Policy Statement*.
- Virginia Department of Education. (April 2018). *Virginia Guidelines for Early Childhood Inclusion*.

### **Vermont Documents**

- Vermont Agency of Education. (2022). *Vermont Early Learning Standards*.
- Vermont Agency of Education. (n.d.). *Vermont Early Learning Standards: Guiding Principles*.
- Building Bright Futures. (2022). *Exclusionary Discipline in Vermont Data Brief*.
- University of Vermont Center for Disability and Community Inclusion. (2021). *Promoting Inclusion and Exploring Supports for Children with Specialized Needs in Early Childhood Education Settings*.