Preschool through third grade (P-3) school discipline policies seek to create a safe and fair learning environment for all students. Discipline strategies that remove students from that setting, such as suspension and expulsion, can hinder students’ cognitive and social development, particularly in the early years.

Policymakers have used a two-pronged approach to reduce suspension and expulsion practices and confront the underlying causes of negative behaviors in the early years. Many states and school districts have begun to address this challenge by setting a benchmark for reducing early grade suspensions and expulsions. Other approaches incorporate multi-tiered systems of support to address disruptive behaviors, such as social and emotional learning (SEL), positive behavioral interventions and supports (PBIS) and restorative justice practices (RJ).

These interventions are designed to help all members of the school community—teachers, administrators, counselors and parents—help children learn how to self-regulate, communicate and adjust to school settings in healthier ways.

While often discussed as distinct programs and practices, these systems are increasingly being implemented by educators across the country in a complementary and integrated manner. Research supports integrated approaches, demonstrating that these systems can improve school climate.
Sixteen states and the District of Columbia currently have P-3 policies that explicitly limit or prohibit the use of suspensions and expulsions. States also have passed legislation supporting the use of PBIS, SEL and RJ practices. Common approaches include providing comprehensive counseling programs, training for teachers and administrators, and setting guidelines for culturally responsive school climates.

For example, to create an incentive to provide mental health services to preschool children, California passed AB 2698 creating a weighted reimbursement to state-funded programs that provide mental health consultation. In Georgia, HB 740 requires schools to apply a multi-tiered intervention system for P-3 students prior to any expulsion or extended suspension. In Ohio, HB 318 requires P-5 teacher training programs and continuing education offerings, including PBIS. It also requires each school district to create a PBIS framework with a phased-in implementation schedule. In Indiana, legislators turned to restorative justice as one method for developing culturally responsive school climates.

Increasing awareness of the role of trauma in young children’s behavior has also led some states to view school discipline through a trauma-informed lens. Oklahoma SB 1517 established the Task Force on Trauma-Informed Care, which outlines strategies to reduce and mitigate the effects of trauma on young children. The task force is charged with recommending best practices to reduce punitive discipline in early childhood and move toward positive behavior strategies.

In Washington, HB 2861 sets the goal of reducing exclusionary discipline by 50 percent over a five-year period through a trauma-informed approach.

**Federal Action**

The federal Every Student Succeeds Act (ESSA) includes several requirements for states to address school discipline practices as part of their state and district plans. This includes reducing the overuse of suspension and expulsion, identifying and supporting schools with high rates of discipline, and providing reporting data for several subgroups of students (e.g. low-income, minority). The Safe and Healthy Schools Program (Title IV) allows using funds to design and implement a locally tailored plan to reduce suspensions and expulsions. The plan should be evidence-based and consistent with best practices.

ESSA further requires that states and districts report on measures of school quality, climate and safety, including rates of in-school and out-of-school suspension and expulsions. For example, California, New York and West Virginia included the rate of out-of-school suspensions in their state accountability systems as a subset of the School Quality or Student Success Indicator.

In 2016, the U.S. Department of Education issued a joint policy statement with the U.S. Department of Health and Human Services regarding the use of suspension and expulsion in early childhood settings. This document highlighted the need to minimize suspension and expulsion practices and create a system of positive discipline. A 2018 Government Accountability Office report reinforced those recommendations using the most recent Civil Rights Data Collection information.

States and local jurisdictions will continue to lead in developing policies and structures governing and reforming school discipline systems. The U.S. Office of Civil Rights emphasized that it will continue to investigate claims related to the non-discriminatory legal obligations that schools have under Title VI.

*NCSL thanks Thalia Gonzalez, Ph.D., associate professor at Occidental College in Los Angeles, for her assistance with this LegisBrief.*

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**Additional Resources**

- Building a Comprehensive State Policy Strategy to Prevent Expulsion from Early Learning Settings, State Capacity Building Center
- Compendium of School Discipline Laws and Regulations for the 50 States, District of Columbia and the U.S. Territories, U.S. Department of Education
- The Pyramid Model for Promoting Social Emotional Competence in Infants and Young Children, National Center for Pyramid Model Interventions

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