



## States Take On Discipline in Preschool Through Third Grade

BY ADRIENNE FISCHER AND MATT WEYER

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.

### Did You Know?

- Private child care providers expel children at [more than four times the rate of public preschool or Head Start programs](#).
- While African-Americans make up 18 percent of public school preschool enrollment, [they represent 48 percent of preschoolers suspended more than once](#). Students with [disabilities](#) are also suspended at higher rates than their peers.
- Preschool classrooms with access to behavioral consultation services have [significantly lower expulsion rates](#).

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](#),

promote positive social behaviors and decrease conduct problems and emotional distress. Generally, these systems lead to improved test scores and higher attendance. However there is a lack of strong evaluative research on restorative justice practices, especially in grades P-3.

## State Action

In recent years and across the political spectrum, many states have passed P-3 school discipline legislation. 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.

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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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