



# Exclusionary Discipline in Vermont: Early Childhood

## Executive Summary

The 2021 passage of Act 35,<sup>i</sup> 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. Building Bright Futures has produced this exclusionary discipline brief in light of Act 35, in recognition of the importance of high-quality early childhood education settings for children's social emotional development and readiness for learning, and given the increases in acuity and frequency of mental, emotional, and behavioral health related incidents.<sup>ii</sup> Using evidence and data to inform policy is critical to ensuring an integrated continuum of comprehensive, high-quality services that is equitable, accessible, and will improve outcomes for each and every Vermont child in the prenatal period through age 8 and their families.<sup>iii</sup> To that end, this brief outlines (1) the existing data for children under age 9, (2) limitations and challenges, and (3) policy considerations for Vermont's Early Childhood System.

The data in this brief is not published or reported elsewhere and therefore has not yet been used to inform decision-making and implementation on this critical topic.

### Data Findings

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, 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.

**Limitations** to the data include:

- + Extremely small numbers make data unreportable on the following:
  - + Suspension for children under age 5
  - + Specific vulnerable populations
  - + Expulsion and alternative placement for children under age 9
- + The impact of the COVID-19 pandemic on educational settings and data collection
- + Inconsistent and incomplete reporting

**Implementation challenges** include:

- + Inconsistent communication and guidance for Universal Prekindergarten Education (UPK)
- + Timing of evaluations for additional supports
- + Barriers to implementing preventative approaches to exclusion
- + Act 35 implementation and monitoring

Five **policy considerations** regarding exclusionary discipline for young children have resulted from the data, limitations, and challenges:

1. Clear and consistent communication about current definitions and guidance
2. Family, community, and professional-informed decision-making
3. Specific consideration for vulnerable populations
4. Investment in preventive and supportive approaches
5. High-quality data to inform decision-making and implementation

Thank you to the Vermont Agency of Education Data Division and Early Education Team for providing the data to inform this brief.



*The findings of this brief do not necessarily indicate the views of the State of Vermont.*



**Vermont's Early Childhood Data & Policy Center**

[Vermontkidsdata.org](http://Vermontkidsdata.org)

Vermont's Early Childhood Data and Policy Center is a hub of the most high-quality, up-to-date data and information on the status of children and families across sectors. It is a critical tool for answering policy questions by centralizing data from Vermont's complex early childhood system including a data dashboard; a robust collection of Vermont-specific and National publications, policy briefs, and webinars; and a page dedicated to early childhood policy in Vermont. [Vermontkidsdata.org](http://Vermontkidsdata.org)



Building Bright Futures (BBF) is Vermont's early childhood public-private partnership, charged under Vermont Title 33 § Chapter 46 and the Federal Head Start Act (Public Law 110-134) as Vermont's Early Childhood State Advisory Council (SAC), the mechanism used to advise the Governor and Legislature on the well-being of children in the prenatal period through age 8 and their families. BBF maintains the vision and strategic plan for Vermont's early childhood system. BBF's Network infrastructure includes 12 Regional Councils, seven VECAP Committees, and the State Advisory Council. [Buildingbrightfutures.org](http://Buildingbrightfutures.org)

