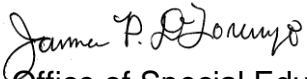




July 2015

### **NYSED Field Memo**

**TO:** Executive Directors of Approved Special Education Preschool Programs  
Directors, Prekindergarten Programs  
Directors, Nonpublic Nursery Schools and Kindergartens  
Chairpersons, Committees on Special Education

**FROM:** James P. DeLorenzo   
Assistant Commissioner, Office of Special Education

Renee Rider   
Assistant Commissioner, Office of Student Support Services

**SUBJECT: Suspension and Expulsion of Preschool Children**

The purpose of this memorandum is to provide important information regarding federal and State policy to limit and eliminate practices of suspension and expulsion of preschool children; to ensure that a child's early learning experiences build a positive early foundation to nurture learning and development; and to ensure that challenging behaviors exhibited by preschool children are addressed in the context of a comprehensive approach to behavior support that is designed to teach, nurture and encourage positive social behaviors.

In December 2014, the U.S. Department of Health and Human Services and Department of Education released a joint policy statement on expulsion and suspension policies in early childhood settings. The policy statement brought to light the problematic issue of expulsion and suspension practices in early childhood settings<sup>1</sup> and provided recommendations for preventing, severely limiting and ultimately eliminating expulsion and suspension practices in programs that provide early care and education to young children. A copy of this document can be found at <http://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>.

In discussion with the Board of Regents at their May 2015 meeting, the New York State Education Department (NYSED) committed to take steps to reduce and severely limit expulsion and suspension practices, with the ultimate goal of eliminating these

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<sup>1</sup> Early childhood settings, for purposes of this policy, refer to any program that provides early care and education to young children, ages 3-5, including but not limited to private child care, Head Start, public, private and faith-based Pre-K/preschool programs, and preschool special education programs.

practices in all early childhood settings by the 2017-2018 school year. In addition, NYSED will review and, as appropriate, revise its statewide policies and guidance regarding suspension and expulsion of preschool children from early childhood programs, including special education programs. A copy of the Regents Report and supplemental presentation may be found at the following websites:

<http://www.regents.nysed.gov/common/regents/files/meetings/May%202015/515p12d3.pdf>  
<http://www.regents.nysed.gov/common/regents/files/meetings//ExpulsionandSuspension.pdf>.

All regular and special education early childhood programs are urged to review their school's practices and take steps to ensure that high-quality behavioral and social-emotional supports are in place to prevent suspensions and expulsions of preschool children. Programs should minimally ensure that:

- teachers use developmentally appropriate, culturally and linguistically responsive practices and evidence-based curricula aligned with the New York State Prekindergarten Foundation for the Common Core Learning Standards [http://www.p12.nysed.gov/ciai/common\\_core\\_standards/pdfdocs/nyslsprek.pdf](http://www.p12.nysed.gov/ciai/common_core_standards/pdfdocs/nyslsprek.pdf)
- children have access to comprehensive services and individual accommodations and supports;
- discipline policies comply with applicable federal civil rights laws and procedural safeguards under the Individuals with Disabilities Education Act (IDEA) for all preschool children with disabilities;
- programs collect and analyze data on suspensions and expulsions and set goals to limit or prohibit such disciplinary actions;
- staff receive professional development on social-emotional and behavioral development; and
- programs establish school-wide and tiered supports to address challenging behaviors.

### **Resources for Technical Assistance**

In addition to resources for technical assistance and information provided in the federal joint policy memorandum (<http://www2.ed.gov/policy/gen/guid/school-discipline/policy-statement-ece-expulsions-suspensions.pdf>), the following resources are available for New York State early childhood and special education providers of preschool students.

#### **QUALITYstarsNY**

<http://qualitystarsny.org/>

#### **Early Childhood Direction Centers**

<http://www.p12.nysed.gov/specialed/techassist/ecdc/locations.htm>

#### **Regional Special Education Technical Assistance Support Centers Preschool Behavior Specialists**

<http://www.p12.nysed.gov/specialed/techassist/rsetasc/locations.htm>

## **Response to Intervention (RtI) Technical Assistance Center**

<http://www.nysrti.org/>

Recognition and Response

See Webinar Strand 4 at <http://www.nysrti.org/page/past-webinars/>

See Presentations at <http://www.nysrti.org/page/preschool/>

## **Regional RtI Professional Development Teams**

These teams will provide regional professional development on Recognition and Response programs

<http://www.mi-schoolservices.com/#!rti/c8w>

<http://www.rti4success.org/new-york>

If you have any questions regarding this memorandum, contact the NYSED Office of Special Education at (518) 473-2878 or the Office of Early Learning at (518) 474-5807.